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Public Health  
Betty Murray  
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HOUSE OF REPRESENTATIVES

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By Rob E. Hoff

H. B. No. 460

A BILL TO BE ENTITLED

AN ACT

relating to the practice of barbering and to the regulation of  
certain persons by the State Board of Barber Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Article 8402, Revised  
Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or  
managing a barber shop or specialty shop shall register his full  
name and the location of said shop with the State Board of Barber  
Examiners and must hold a permit for that shop. An applicant for a  
barber shop permit or specialty shop permit must ~~[- --Each owner,~~  
~~operator-or-manager-of-a-barber--shop--that--is--first--opened--for~~  
~~business--hereafter--shall--within--three-days-after-the-opening-of~~  
~~such-shop]~~ submit an application to the barber board for the  
appropriate ~~[a-barber-shop]~~ permit.

(b) In order that the public may fix responsibility for  
services, acts, or treatments performed by persons licensed by the  
State Board of Barber Examiners vis-a-vis those performed by  
persons licensed by the Texas Cosmetology Commission, to promote  
the efficient and orderly administration of laws regulating barbers  
and the practice of barbering and the laws regulating  
cosmetologists and the practice of cosmetology and to avoid  
confusion of the public as well as avoiding conflicts of  
jurisdiction between such board and commission which might impede

1 effective administration or enforcement of the laws under their  
2 respective jurisdictions[~~7--from-and-after-January-31,-1980~~]:

3 (1) a person licensed by the barber board may practice  
4 [~~barbering~~] only at a location for which the board has issued a  
5 barber shop permit, specialty shop permit, barber school or college  
6 permit, or any other permit. If the State Board of Barber  
7 Examiners and the Texas Cosmetology Commission license the same  
8 facility, the board may not adopt rules restricting or prohibiting  
9 the practice by a Class A barber, manicurist, or wig specialist in  
10 the facility; and

11 (2) a person licensed by the cosmetology commission  
12 may practice cosmetology only at a location for which the  
13 commission has issued a beauty shop license, private beauty culture  
14 school license, or any other license. If the State Board of Barber  
15 Examiners and the Texas Cosmetology Commission license the same  
16 facility, the commission may not adopt rules restricting or  
17 prohibiting the practice by a cosmetologist in the facility.

18 SECTION 2. Article 8403, Revised Statutes, is amended to  
19 read as follows:

20 Art. 8403. EQUIPMENT. The owner, operator or manager of any  
21 barber shop, specialty shop, or barber school [~~or--beauty--parlor~~]  
22 shall equip and keep equipped the same with facilities and supplies  
23 and with all such appliances, furnishings and materials as may be  
24 necessary to enable persons employed in and about the same to  
25 comply with the law.

26 SECTION 3. Article 8404, Revised Statutes, is amended to  
27 read as follows:

1           Art. 8404. EMPLOYEE [~~EMPLOYEE~~] WITH DISEASE. No owner,  
2 operator or manager of a barber shop, specialty shop, or barber  
3 school [~~er-a-beauty--parlor~~] shall knowingly permit any person  
4 suffering from a communicable skin disease or from a venereal  
5 disease to act as a barber or employee [~~employee~~] or work or be  
6 employed in the [~~said~~] shop or school [~~parlor~~]. No person who to  
7 his own knowledge is suffering from a communicable disease or from  
8 venereal disease shall act as a barber or work or be employed in a  
9 [~~said~~] shop or school [~~parlor~~].

10           SECTION 4. Article 8405, Revised Statutes, is amended to  
11 read as follows:

12           Art. 8405. CLEANLINESS. Every person in charge of a barber  
13 shop, specialty shop, or barber school [~~beauty-parlor~~] shall keep  
14 the [~~said~~] shop or school [~~parlor~~] and all furniture, tools,  
15 appliances and other equipment used therein at all times in a clean  
16 [~~cleanly~~] condition, and shall cause all combs, hair brushes, [~~hair~~  
17 ~~dusters~~] and similar articles used therein to be washed thoroughly  
18 at least once a day and to be kept clean at all times, and shall  
19 cause all mugs, shaving brushes, razors, shears, scissors, clippers  
20 and tweezers used therein to be sterilized at least once after each  
21 time used as hereinafter provided. The term "persons affected by  
22 this chapter" shall include any person working or employed in a  
23 barber shop, specialty shop, or barber school [~~beauty--parlor~~] or  
24 acting as a barber, wig [~~beauty~~] specialist, or manicurist. Every  
25 barber or other person affected by this chapter, immediately after  
26 using a mug, shaving brush, razor, scissors, shears, clippers, or  
27 tweezers, for the service of any person, shall sterilize the same

1 by immersing it in boiling water for not less than a minute, or in  
2 the case of a razor, scissors, shears or tweezers, by immersing it  
3 for not less than ten minutes in a five per cent aqueous solution  
4 of carbolic acid. No barber or other person affected by this  
5 chapter shall:

6 1. Use for the service of any customer a comb, hair  
7 brush, [~~hair-duster~~] or any similar article that is not thoroughly  
8 clean, nor any mug, shaving brush, razor, shears, scissors,  
9 clippers, or tweezers, that are not thoroughly clean or that have  
10 not been sterilized since last used.

11 2. Serve any customer unless he shall immediately  
12 before such service cleanse his hands thoroughly.

13 3. Use for the service of a customer any towel or wash  
14 cloth that has not been boiled and laundered since last used.

15 4. To stop the flow of blood use the same piece of  
16 alum or other material for more than one person.

17 5. Shave any person when the surface to be shaved is  
18 inflamed or broken out or contains pus[~~7--unless--such--person--be~~  
19 ~~provided--with--a--cup,--razor--and-lather-brush-for-his-individual~~  
20 ~~use~~].

21 6. Permit any person to use the head rest of any  
22 barber's chair under his control until after the head rest has been  
23 covered with a towel that has been washed and boiled since having  
24 been used before, or by clean new paper or similar clean substance.

25 7. Use a powder puff or a sponge in the service of a  
26 customer unless it has been sterilized since last used.

27 8. Use a finger bowl unless it has been sterilized



1 since last used and fresh water or other liquid placed therein.

2 9. Serve a customer without the use of a sanitized  
3 neck strip, cloth towel, or paper towel between the customer and  
4 the chair cloth.

5 10. Bring an animal into a shop or school, or allow an  
6 animal to remain in a shop or school, unless the animal is a  
7 trained dog used to assist a handicapped person or is a dog used as  
8 a guard dog for security purposes.

9 11. Use a hair duster in providing services for any  
10 customer.

11 SECTION 5. Article 8406, Revised Statutes, is amended to  
12 read as follows:

13 Art. 8406. CERTAIN OTHER USES PROHIBITED; EXCEPTION [NO  
14 PLACE-TO-SLEEP]. (a) No owner or manager of any barber shop,  
15 specialty shop, or barber school [beauty-parlor] shall permit any  
16 person to sleep in any room used wholly or in part as such shop or  
17 school [parlor], and no person shall pursue the barber business or  
18 be employed in a barber shop, specialty shop, or barber school  
19 [beauty---parlor] in any room used as [a] sleeping quarters  
20 [apartment].

21 (b) If located in the same building with any business other  
22 than a beauty salon, a barber shop, specialty shop, or barber  
23 school must be separated from the other business by a solid wall  
24 and must have a separate entrance. This subsection does not  
25 prohibit the operation of a shoe shine enterprise on the premises  
26 of a barber shop, specialty shop, or barber school.

27 SECTION 6. Section 2, Chapter 65, Acts of the 41st

1 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
2 Texas Civil Statutes), is amended to read as follows:

3 Sec. 2. Unless [~~From--and-after-the-effective-date-of-this~~  
4 ~~Act,--unless~~] duly licensed and registered in accordance with all  
5 laws of this state regulating the practice of barbering, no person  
6 shall:

7 (a) practice, continue to practice, offer, or attempt  
8 to practice barbering or any part thereof;

9 (b) directly or indirectly, employ, use, cause to be  
10 used, or make use of any of the following terms or any  
11 combinations, variations, or abbreviations thereof, as a  
12 professional, business, or commercial identification, title, name,  
13 representation, claim, asset, or means of advantage or benefit:  
14 "barber," "barbering," "barber school," "barber college," "barber  
15 shop," "barber salon," or "specialty shop"; or

16 (c) directly or indirectly, employ, use, cause to be  
17 used, or make use of any letter, abbreviation, word, symbol,  
18 slogan, sign, or any combination or variation thereof, which in any  
19 manner whatsoever tends or is likely to create any impression with  
20 the public or any member thereof that any person is qualified or  
21 authorized to practice barbering or own or manage any barber shop,  
22 specialty shop, or barber school or college.

23 SECTION 7. Section 4, Chapter 65, Acts of the 41st  
24 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
25 Texas Civil Statutes), is amended to read as follows:

26 Sec. 4. [DEFINITIONS.] In this Act, unless the context  
27 otherwise requires:

1           (a) "barber" shall mean any person who performs,  
2 offers, or attempts to perform any act of barbering, professes to  
3 do barbering or to be engaged in the practice thereof, or who  
4 directly or indirectly or in any manner whatsoever advertises or  
5 holds himself out as a barber or as authorized to practice  
6 barbering;

7           (b) "barbering," "practicing barbering," or the  
8 "practice of barbering" shall mean the performing or doing, or  
9 offering or attempting to do or perform, any, all or any  
10 combination of the following acts, services, works, treatments, or  
11 undertakings:

12                   (1) arranging,           beautifying,           coloring,  
13 processing, shaving, styling, or trimming the mustache or beard by  
14 any means or method;

15                   (2) arranging,           beautifying,           bleaching,  
16 cleansing, coloring, curling, dressing, dyeing, processing,  
17 shampooing, shaping, singeing, straightening, styling, tinting,  
18 waving, or otherwise treating the hair as primary services,  
19 treatments, or undertakings by any means or method, including any  
20 bobbing, clipping, cutting, or trimming of the hair as a necessary  
21 incident preparatory or ancillary to such primary services;

22                   (3) cutting the hair as a primary service,  
23 treatment, or undertaking and not as a necessary incident  
24 preparatory or ancillary to those primary services enumerated in  
25 Section 4(b)(2), or primarily engaging in the occupation of cutting  
26 hair or practicing primarily as a haircutter by cutting hair as a  
27 separate and independent service, treatment, or undertaking for

1 which haircut a charge is made, as such, separate and apart from  
2 any other service, treatment, or undertaking, directly or  
3 indirectly, or in any manner whatsoever;

4 (4) cleansing, stimulating, or massaging the  
5 scalp, face, neck, arms, or shoulders[~~7-or-that-part-of-the-body~~  
6 ~~above-the-shoulders,~~] by means of the hands, devices, apparatuses,  
7 or appliances, with or without the use of cosmetic preparations,  
8 antiseptics, tonics, lotions, or creams;

9 (5) beautifying the face, neck, arms, or  
10 shoulders[~~7-or-that-part-of-the-body-above-the-shoulders,~~] by the  
11 use of cosmetic preparations, antiseptics, tonics, lotions,  
12 powders, oils, clays, creams, or appliances;

13 (6) cutting, trimming, polishing, tinting,  
14 coloring, cleansing, [~~or~~] manicuring, or pedicuring the nails of  
15 any person or attaching false nails;

16 (7) massaging, cleansing, treating, or  
17 beautifying the hands of any person;

18 (8) administering facial treatments;

19 (9) hair weaving;

20 (10) shampooing or conditioning hair;

21 (11) servicing a wig, toupee, or artificial  
22 hairpiece on a human head or on a block, subsequent to the initial  
23 retail sale by any of the acts, services, works, treatments, or  
24 undertakings enumerated in Section 4(b)(2) of this Act;

25 (12) advertising or holding out to the public by  
26 any manner whatsoever that any person is a barber or authorized to  
27 practice barbering;

1                   (13) advertising or holding out to the public by  
2 any manner whatsoever that any location or place of business is a  
3 barber shop, specialty shop, barber school, barber college, or  
4 barber salon;

5                   (14) receiving any fee, salary, compensation, or  
6 financial benefit, or the promise of any fee, salary, compensation,  
7 or financial benefit, for performing, doing, offering, or  
8 attempting to perform or do any act, work, service, or thing, which  
9 is any part of the practice of barbering as herein defined;

10                  (c) "barber shop" or "barber salon" shall mean any  
11 place where barbering is practiced, offered, or attempted to be  
12 practiced except when such place is duly licensed as a barber  
13 school or college;

14                  (d) "board" shall mean the State Board of Barber  
15 Examiners as established and provided for in the Texas Barber Law;

16                  (e) "certificate" shall mean a certificate of  
17 registration issued by the board in accordance with the provisions  
18 of this Act;

19                  (f) "license" shall mean any license issued by the  
20 board in accordance with the provisions of this Act;

21                  (g) "manager" shall mean any person who controls or  
22 directs the business affairs of a barber shop or directs the work  
23 of a person employed in a barber shop or both;

24                  (h) "manicurist specialty shop" shall mean any place  
25 where only the practice of barbering as defined by Sections 4(b)(6)  
26 and (7) of this Act is performed for compensation;

27                  (i) "permit" shall mean any permit issued by the board

1 in accordance with the provisions of this Act;

2 (j) [~~+~~] "person" shall mean any individual,  
3 association, firm, corporation, partnership, or other legal entity;

4 (k) "specialty shop" shall mean a manicurist specialty  
5 shop or a wig specialty shop;

6 (l) "wig specialty shop" shall mean any place where  
7 only the practice of barbering as defined by Section 4(b)(11) of  
8 this Act is performed for compensation.

9 (m) [~~+~~] In addition to the foregoing definitions,  
10 the board shall have authority to define by rule any words or terms  
11 necessary in the administration or enforcement of this Act.

12 SECTION 8. Section 6, Chapter 65, Acts of the 41st  
13 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
14 Texas Civil Statutes), is amended to read as follows:

15 Sec. 6. [~~EXEMPTIONS.~~] The following persons shall be exempt  
16 from the provisions of this Act, provided such persons are not  
17 represented, advertised, or held out to the public, directly or  
18 indirectly, or in any manner whatsoever, as barbers, journeymen  
19 barbers, barber technicians, or under any name, title, or  
20 designation indicating such person is authorized to practice by  
21 authority of any license or permit issued by the board:

22 (a) a doctor of medicine, doctor of osteopathic  
23 medicine, or [~~physicians,--osteopaths,--and~~] registered nurse  
24 [~~nurses~~] licensed and regulated by the State of Texas while  
25 operating within the scope of that person's license;

26 (b) commissioned or authorized medical or surgical  
27 officers of the United States Army, Navy, or Marine Hospital

1 Service;

2 (c) persons licensed or practicing by authority of the  
3 Texas Cosmetology Commission under the provisions of Chapter 1036,  
4 Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
5 Vernon's Texas Civil Statutes), so long as such persons practice  
6 within the scope of the license or permit duly issued by the Texas  
7 Cosmetology Commission.

8 SECTION 9. Section 7, Chapter 65, Acts of the 41st  
9 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
10 Texas Civil Statutes), is amended to read as follows:

11 Sec. 7. The following shall be considered as minimum  
12 evidence satisfactory to the board that an applicant is qualified  
13 for registration as a Class A registered barber:

14 (a) being at least 16 [~~16-1/2~~] years of age;

15 (b) successfully passing a written and practical  
16 examination demonstrating to the satisfaction of the board the  
17 applicant's fitness and competence to practice the art and science  
18 of barbering.

19 SECTION 10. Section 9, Chapter 65, Acts of the 41st  
20 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
21 Texas Civil Statutes), is amended to read as follows:

22 Sec. 9. (a) Any person desiring to conduct or operate a  
23 barber school or college in this state shall first obtain a permit  
24 from the board after demonstrating that said school or college has  
25 first met the requirements of this section. Said permit shall be  
26 prominently displayed at all times at such school or college. [~~No~~  
27 ~~such-school-or-college-shall-be--approved--unless--such--school--or~~

1 college--requires--as--a--prerequisite--to--graduation--a--course--of  
2 instruction--of--not--less--than--1,500--hours--as--determined--by--the  
3 board,--to--be--completed--within--a--period--of--not--less--than--nine  
4 months,--for--a--Class--A--certificate,--and--at--least--800--hours--of--such  
5 course--of--instruction--shall--be--in--the--actual--practice--of--cutting  
6 hair--as--a--primary--service--in--accordance--with--the--definition--set  
7 forth--in--Section--4(b)(3)--of--this--Act. ]

8 (b) No certificate or permit shall be issued as provided for  
9 herein to an applicant to be a student in such a school or college  
10 unless said applicant has completed at least a seventh grade  
11 education and such other requirements as shall be specified by the  
12 board. Each applicant to be a student must submit an enrollment  
13 application to the board in the form prescribed by the board. The  
14 application must be accompanied by a nonrefundable application fee  
15 set by the board in an amount not to exceed \$25. A separate  
16 application and application fee are required for each enrollment,  
17 reenrollment, or transfer enrollment.

18 (c) The board may not approve a barber school or college  
19 unless the school or college requires the following hours of  
20 instruction as a prerequisite for graduation:

21 (1) Class A barber--1,500 hours of instruction  
22 completed in a course of not less than nine months, with not less  
23 than 800 hours in the actual practice of cutting hair as a primary  
24 service;

25 (2) barber technician--300 hours of instruction  
26 completed in a course of not less than eight weeks;

27 (3) wig instructor--200 hours of instruction completed



1 in a course of not less than eight weeks;

2 (4) wig specialist--300 hours of instruction completed  
3 in a course of not less than eight weeks;

4 (5) manicurist--300 hours of instruction completed in  
5 a course of not less than eight weeks; and

6 (6) teacher--1,000 hours of instruction completed in a  
7 course of not less than six months.

8 (d) If a school or college offers a refresher course, that  
9 course must require at least 300 hours of instruction. The board  
10 by rule shall set the curriculum for a refresher course.

11 [Provided,---however,--that--any--person--licensed--as--a--Class--A  
12 registered--barber--or--registered--assistant--barber--as--of---the  
13 effective-date-of-this-Act-shall-be-considered-qualified-to-perform  
14 any--acts--or--services--within--the--scope--of--the--definition-of  
15 barbering--and--shall--be--entitled--to--any---or---all---licenses,  
16 certificates,--or-permits-which-the-board-is-authorized-to-issue-on  
17 payment--of--the--required--fees--but---without---meeting---further  
18 educational-or-experience-requirements.]

19 (e) A barber school or college shall submit a monthly  
20 progress report to the board regarding each student in attendance  
21 at the school or college. The report must certify the daily  
22 attendance record of the student and the number of credit hours  
23 earned by the student during the previous month. The school or  
24 college may not increase, decrease, or withhold for any reason the  
25 number of credit hours earned by a student. On completion by a  
26 student of a prescribed course of instruction, the school or  
27 college shall certify to the board that the student has completed

1 the required number of hours and is eligible to take the  
2 appropriate examination.

3 (f) [~~b~~] Such schools or colleges shall instruct students  
4 in the theory and practice of such subjects as may be necessary and  
5 beneficial in the practice of barbering, including the following:

6 (1) all laws governing the practice of barbering in  
7 this state;

8 (2) scientific fundamentals of barbering;

9 (3) hygienic bacteriology;[7]

10 (4) histology of the hair, skin, muscles, and nerves;

11 (5) the structure of the head, neck and face;

12 (6) elementary chemistry relating to sterilization and  
13 antiseptics;

14 (7) common disorders of the skin and hair;

15 (8) massaging muscles of the scalp, face, and neck;

16 (9) hair-cutting;

17 (10) shaving, shampooing, and bleaching and dyeing of  
18 the hair;

19 (11) manicuring, administering facial treatments, hair  
20 weaving, servicing wigs; and[7-er]

21 (12) any other skills, techniques, services,  
22 treatments, or undertakings within the definition of the practice  
23 of barbering provided for in this Act.

24 (g) [~~e~~] No barber school or college which issues "Class A"  
25 certificates shall be approved by the Board for the issuance of a  
26 permit unless said school or college has the following:

27 (1) An adequate school site housed in a substantial

1 building of a permanent-type construction containing a minimum of  
2 not less than two thousand, eight hundred (2,800) square feet of  
3 floor space. Such space shall be divided into the following  
4 separate departments: a senior department, a junior department, a  
5 class theory room, a supply room, an office space, a dressing and  
6 cloak room, and two (2) sanitary, modern separate rest rooms,  
7 equipped with one (1) commode each and a urinal in one (1) rest  
8 room.

9 (2) A hard-surface floor covering of tile or other  
10 suitable material.

11 (3) A minimum of twenty (20) modern barber chairs with  
12 cabinet and mirror for each chair.

13 (4) One (1) lavatory in back of each two (2) chairs.

14 (5) A liquid sterilizer for each chair.

15 (6) An adequate number of latherizers, vibrators, and  
16 hair dryers for the use of students.

17 (7) Adequate lighting of all rooms.

18 (8) At least twenty (20) classroom chairs, a  
19 blackboard, anatomical charts of the head, neck and face, and one  
20 (1) barber chair in the class theory room.

21 (9) A library and library facilities available to  
22 students, containing a medical dictionary and a standard work on  
23 the human anatomy.

24 (10) Adequate drinking fountain facilities, but at  
25 least one (1) to each floor.

26 (11) Adequate toilet facilities for the students.

27 (12) Adequate fire-fighting equipment to be maintained

1 in case of emergency.

2        (h) [~~(d)~~] Anything to the contrary in this Act  
3 notwithstanding, each such school shall place a sign on the front  
4 outside portion of its building in a prominent place. Such sign  
5 shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum  
6 size of ten-inch block letters. Printed signs containing the  
7 foregoing information shall be prominently displayed upon each  
8 inside wall of the establishment.

9        (i) [~~(e)~~] A minimum of five (5) hours a [~~one-hour-periods-of~~  
10 ~~each~~] week must [~~shall~~] be devoted to the instruction of theory in  
11 the classroom, with Saturdays [~~being~~] devoted exclusively to  
12 practical work over the chair. If classes are conducted five (5)  
13 days a week, one (1) hour each day must be devoted to instruction  
14 in theory. If classes are conducted four (4) days a week, one (1)  
15 hour and fifteen (15) minutes each day must be devoted to  
16 instruction in theory. An attendance record book must be  
17 maintained by the school showing a record of the students' daily  
18 attendance. These records are subject to inspection at any and all  
19 times by the Board.

20        (j) [~~(f)~~] No barber school or college which issues "Class A"  
21 certificates shall be approved by the Board unless it is under the  
22 direct supervision and control of a barber who holds a current  
23 registered "Class A" certificate to practice barbering under the  
24 Texas Barber Law, and who can show evidence of at least five (5)  
25 years experience as a practicing barber. Each school shall have at  
26 least one (1) teacher who has a teacher's certificate issued by the  
27 Board upon examination and who is capable and qualified to teach

1 the curriculum outlined herein to the students of such school. All  
2 such teachers are required to obtain a teacher's certificate from  
3 the Board and, in addition to requirements set forth by the Board,  
4 must meet the following requirements:

5 (1) Demonstrate their ability to teach the said  
6 curriculum outlined herein through a written and practical test to  
7 be given by the Board.

8 (2) Hold a current certificate as a registered "Class  
9 A" barber under this law.

10 (3) Demonstrate to the Board that such applicant is  
11 qualified to teach and instruct, to be determined at the discretion  
12 of the Board, and show evidence that the applicant has had at least  
13 six (6) months experience as a teacher in an approved school or  
14 college in Texas or in another state approved by the Board, or have  
15 completed 1,000 hours of instruction in a [six-month] postgraduate  
16 course as a student teacher in an approved barber school or college  
17 in Texas.

18 (k) A licensed barber who presents evidence satisfactory to  
19 the Board of at least five (5) years' experience as a practicing  
20 barber in a barber shop operating under a permit issued by the  
21 Board, with not less than two (2) years' experience occurring in  
22 the period immediately before application, is also entitled to  
23 apply to take the examination for a teacher's certificate.  
24 Applicants desiring an examination for a teacher's certificate  
25 shall make an application to the Board and accompany same with an  
26 examination fee not to exceed \$70. A new application and fee must  
27 be presented for each examination taken by the applicant and fees

1 paid are not refundable. A teacher's certificate shall be issued  
2 upon satisfactory completion of the examination and payment of a  
3 certificate fee not to exceed \$70 if the applicant fulfills the  
4 requirements during the period from November 1 of an odd-numbered  
5 year and extending through October 31 of the following  
6 even-numbered year or not to exceed \$35 if the applicant fulfills  
7 the requirements during the period from November 1 of an  
8 even-numbered year and extending through October 31 of the  
9 following odd-numbered year. Teacher's certificates shall be  
10 renewed biennially on or before November 1st of odd-numbered years  
11 upon the payment of a renewal fee not to exceed \$70.

12 (1) [(g)] In addition to a minimum of one (1) teacher  
13 required in Subsection (j)(3) of this Section [~~paragraph--(3)~~  
14 ~~above~~], each barber school or college which issues "Class A"  
15 certificates shall maintain at least one (1) qualified instructor,  
16 holding a registered "Class A" certificate, for each twenty (20)  
17 students or any fraction thereof for instruction in practical work;  
18 provided, however, that a teacher can also serve as an instructor  
19 in practical work in addition to his position as a theory teacher.  
20 A barber school or college may not enroll more than one (1) student  
21 teacher for each licensed teacher who teaches at the school or  
22 college. A student teacher must concentrate on teaching skills and  
23 may not be booked with customers. Violation of this requirement  
24 constitutes a ground for the revocation of the person's student  
25 teacher barber license.

26 (m) [(h)] No barber school or college shall be issued a  
27 permit to operate under the provisions of this Section until it has

1 first furnished the following evidence to the Board:

2 (1) A detailed drawing and chart of the proposed  
3 physical layout of such school, showing the departments, floor  
4 space, equipment, lights and outlets.

5 (2) Photographs of the proposed site for such school  
6 including the interior and exterior of the building, rooms and  
7 departments.

8 (3) A detailed copy of the training program.

9 (4) A copy of the school catalog and promotional  
10 literature.

11 (5) A copy of the building lease or proposed building  
12 lease where the building is not owned by the school or college.

13 (6) A sworn statement showing the true ownership of  
14 the school or college.

15 (7) A permit fee not to exceed \$1,000.

16 (n) No such school or college shall be operated and no  
17 students shall be solicited or enrolled by it until the Board shall  
18 determine by inspection that the school has been set up and  
19 established in accordance with this Section and the proposal  
20 submitted to the Board and approved by it prior to the issuance of  
21 a permit. A barber school or college that is not approved by the  
22 Board on initial inspection is subject to reinspection by the  
23 Board. For each reinspection, the Board shall charge a  
24 reinspection fee set by the Board in an amount not to exceed \$500.

25 (o) Any such school or college must obtain renewal of its  
26 permit [~~certificate~~] by September 1st each year by the payment of  
27 an annual renewal fee not to exceed \$300.

1           (p) [~~(i)~~] If [When] a barber school or college changes  
2 ownership, the Board shall be notified of the transfer not later  
3 than the 10th day before the date on which the change becomes  
4 effective [~~within ten (10) days from the date of such change~~].

5           (q) [~~(j)~~] Any school or college desiring to change the  
6 location of such school or college must first obtain approval by  
7 the Board by showing that the proposed location meets the  
8 requirements of this Section.

9           (r) [~~(k)~~] If said Board refuses to issue a permit to any  
10 such school or college, such school or college may by written  
11 request demand the reasons for said refusal and if said school or  
12 college shall thereupon meet said requirements and makes a showing  
13 that the requirements of this law have been complied with, then if  
14 said Board refuses to issue said permit, a suit may be instituted  
15 by such school or college in any of the District Courts of Travis  
16 County, Texas, to require said Board to issue such permit. Any  
17 such suit must be filed within twenty (20) days after the final  
18 order of said Board refusing to issue such permit is entered,  
19 provided registered notice is mailed or it is otherwise shown that  
20 said school or college has notice within ten (10) days from the  
21 entering or making of said order.

22           (s) [~~(i)~~] In the event such school or college after a permit  
23 is issued to it violates any of the requirements of this law,  
24 either directly or indirectly, then said Board shall suspend or  
25 revoke the permit of any such school or college. Before suspending  
26 or revoking any such permit, said Board must give such school or  
27 college a hearing, notice of which hearing shall be delivered to



1 such school or college at least twenty (20) days prior to the date  
2 of said hearing. If said Board suspends or revokes said permit at  
3 said hearing, then such school or college may file suit to prevent  
4 the same or to appeal from said order. Any and all suits filed  
5 hereunder shall be filed within twenty (20) days from the date of  
6 the order of said Board in any of the District Courts of Travis  
7 County, Texas, and not elsewhere, and the order shall not become  
8 effective until said twenty (20) days has expired.

9 (t) [~~m~~] The Attorney General or any District or County  
10 Attorney may institute any injunction proceedings or such other  
11 proceeding as to enforce the provisions of this Act, and to enjoin  
12 any barber[~~,-assistant-barber,~~] or school or college from operating  
13 without having complied with the provisions hereof, and each shall  
14 forfeit to the State of Texas the sum of Twenty-five Dollars (\$25)  
15 per day as a penalty for each day's violation, to be recovered in a  
16 suit by the District or County Attorney, and/or the Attorney  
17 General.

18 SECTION 11. Section 14, Chapter 65, Acts of the 41st  
19 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
20 Texas Civil Statutes), is amended to read as follows:

21 Sec. 14. (a) Any [~~assistant-barber-who-is-at-least--sixteen~~  
22 ~~and--one-half-years-of-age-and-who-has-a-diploma-showing-graduation~~  
23 ~~from-a-seventh-grade-grammar-school,-or-an-equivalent-education--as~~  
24 ~~determined--by-an-examination-conducted-by-the-Board,-and-who-has-a~~  
25 ~~certificate-of-registration-as-an-assistant-barber-in--a--State--or~~  
26 ~~country---which---has---substantially--the--same--requirements--for~~  
27 ~~registration-as-an-assistant-barber-as-is-provided-for-by-this-Act,~~

1 shall-upon-payment-of-the-required-fee-be-issued-a-permit--to--work  
2 as--an--assistant-barber-until-called-by-the-Board-of-Examiners-for  
3 examination-to-determine-his-fitness-to-receive--a--certificate--of  
4 registration-as-an-assistant-barber--Should-such-person-be-able-to  
5 pass--the--required-examination, he-will-be-issued-a-certificate-of  
6 registration-as-a-registered-assistant-barber, and--that--the--time  
7 spent--in--such-other-State-or-country-as-an-assistant-barber-shall  
8 be-credited-upon-the-period-of-assistant-barber--required--by--this  
9 Act--as--a--qualification--to--take-the-examination-to-determine-his  
10 fitness-to-receive-a-certificate-of-registration--as--a--registered  
11 barber.

12 [(b)--Any] person who holds a barber [has-spent-at-least-30  
13 working-days-at-a-licensed-barber-school-or-college-as-a--barber's]  
14 technician license issued by the Board may:

15 (1) perform for compensation only the practice of  
16 barbering defined in Sections 4(b)(5), (7), (8), and (10) of this  
17 Act; and

18 (2) practice only at a location for which the Board  
19 has issued [including--the---study---of---shampooing,---shampoos,  
20 manipulations,--making-appointments,--preparing-patrons,--sterilizing  
21 tools,--and-the-study-of-sterilization-and-the-barber--laws--may--be  
22 licensed--to--practice--as--a--barber's--technician.---Any-licensed  
23 barber's--technician--may--assist--the--barber--in--shampooing--and  
24 sterilizing--in] a barber shop permit [and-shall-work-under-the  
25 personal-supervision-of-a-registered-Class-A-barber].

26 (b) An applicant for a barber technician license must be at  
27 least 16 years of age, have completed the seventh grade or its

1 equivalent, and have completed a course of instruction of not less  
2 than 300 hours in a period of not less than eight weeks. The  
3 course must include the theory and practice of the following  
4 subjects:

5 (1) all laws governing the practice of barbering in  
6 this state;

7 (2) hygienic bacteriology;

8 (3) histology of the skin, muscles, and nerves;

9 (4) the structure of the head, neck, and face;

10 (5) elementary chemistry relating to sterilization and  
11 antiseptics;

12 (6) common disorders of the skin;

13 (7) massaging and manipulating muscles of the scalp,  
14 face, and neck;

15 (8) shampooing;

16 (9) administering facial treatments;

17 (10) preparing patrons and making appointments; and

18 (11) any other skills, techniques, services,  
19 treatments, or undertakings within the definition of the practice  
20 of barbering under Subsection (a) of this section.

21 (c) The application must be made on a form prescribed by the  
22 Board, accompanied by the \$10 administration fee. The application  
23 and fee must be filed not later than the 10th day before the date  
24 set for the examination.

25 (d) An applicant is entitled to a barber technician license  
26 if the applicant possesses the qualifications listed in Subsection  
27 (b) of this section, satisfactorily completes the examination, pays

1 a license fee not to exceed \$70, and has not committed an act that  
2 constitutes grounds for denial of a license under this Act.

3 SECTION 12. Subsections (b) and (c), Section 15, Chapter 65,  
4 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
5 8407a, Vernon's Texas Civil Statutes), are amended to read as  
6 follows:

7 (b) An applicant for a manicurist license must be at least  
8 16 years of age, have completed the seventh grade or its  
9 equivalent, and have completed 300 [~~150~~] hours instruction in  
10 manicuring.

11 (c) The application shall be made on a form prescribed by  
12 the board and a \$10 [~~\$5--manicurist~~] administration fee must  
13 accompany the application. The application and fee shall be filed  
14 at least 10 days prior to the date set for the examination.

15 SECTION 13. Chapter 65, Acts of the 41st Legislature, 1st  
16 Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
17 Statutes), is amended by adding Section 15A to read as follows:

18 Sec. 15A. (a) A person may not own, operate, or manage a  
19 manicurist specialty shop unless the person holds a manicurist  
20 specialty shop permit issued by the board. A person may operate  
21 under a temporary permit issued by the board until a permanent  
22 permit is issued.

23 (b) An applicant for a manicurist specialty shop permit must  
24 submit a written application to the board. The application must be  
25 accompanied by an inspection fee set by the board in an amount not  
26 to exceed \$50. The application must include the address of the  
27 shop, a legal description of the premises for which the permit is

1 sought, and any other information required by the board. As soon  
2 as practicable after receipt of the application and fee, the board  
3 shall issue a temporary manicurist specialty shop permit to the  
4 applicant.

5 (c) The board shall issue a permanent manicurist specialty  
6 shop permit to an applicant who holds a valid manicurist license  
7 and whose shop meets:

8 (1) the minimum health standards required by the Texas  
9 Department of Health for manicurist specialty shops, as determined  
10 by a board inspection; and

11 (2) any additional requirements imposed by board rule.

12 (d) A person who holds a manicurist specialty shop permit  
13 may maintain an establishment in which only the practice of  
14 barbering, as defined by Sections 4(b)(6) and (7) of this Act, is  
15 performed for compensation. A manicurist specialty shop may be  
16 operated only under the direction of a person who holds a valid  
17 manicurist license.

18 (e) The holder shall display the permit in a conspicuous  
19 place in the shop for which the permit is issued. A permit issued  
20 under this section is not transferable. If the ownership of a  
21 manicurist specialty shop is transferred to another person, the  
22 shop may continue in operation if the new owner applies for and  
23 obtains a new permit not later than the 30th day after the date on  
24 which ownership is transferred.

25 (f) A person who holds a license, permit, or certificate  
26 issued by the Texas Cosmetology Commission may not practice under  
27 that authority at a manicurist specialty shop regulated under this

1 Act.

2 (g) A permit issued under this section expires July 1 of  
3 each odd-numbered year. A holder may renew the permit by  
4 submitting a renewal application to the board, accompanied by a  
5 renewal fee set by the board not to exceed \$50.

6 (h) A holder of a permit issued under this section may move  
7 the manicurist specialty shop to a different location if the holder  
8 receives board approval of the new location. The holder must  
9 notify the board of the move not later than the 10th day before the  
10 date on which the move is scheduled to occur.

11 SECTION 14. Section 16, Chapter 65, Acts of the 41st  
12 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
13 Texas Civil Statutes), is amended to read as follows:

14 Sec. 16. (a) A person holding a wig specialist license  
15 issued by the board may perform for compensation only the practice  
16 of barbering defined in Section 4(b)(11) of this Act.

17 (b) An applicant for a wig specialist license must be at  
18 least 16 years of age, have completed the seventh grade or its  
19 equivalent, and have completed 300 hours of instruction in the care  
20 and treatment of wigs.

21 (c) The application shall be made on a form prescribed by  
22 the commission and a \$10 [~~\$5~~] administration fee must accompany the  
23 application. The application and fee must be filed at least 10  
24 days prior to the date set for the examination.

25 (d) The applicant is entitled to a wig specialist license if  
26 he possesses the qualifications enumerated in Subsection (b) of  
27 this section, satisfactorily completes the examination, pays a

1 license fee not to exceed \$30, and has not committed an act which  
2 constitutes grounds for revocation of a license under this Act.

3 [ (e) -- Any person who at the time this Act takes effect holds  
4 a cosmetology license or manicurist license issued by the  
5 cosmetology commission may make application for and upon paying the  
6 fee be granted a manicurist license by the barber board without  
7 examination. ]

8 SECTION 15. Section 18, Chapter 65, Acts of the 41st  
9 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
10 Texas Civil Statutes), is amended to read as follows:

11 Sec. 18. (a) A person may not own, operate, or manage a wig  
12 specialty shop unless the person holds a wig specialty shop permit  
13 issued by the board. A person may operate under a temporary permit  
14 issued by the board until a permanent permit is issued. [A person  
15 holding a wig salon license issued by the board may maintain an  
16 establishment in which only the practice of barbering as defined in  
17 Section 4(b)(11) of this Act is performed for compensation.]

18 (b) An applicant for a wig specialty shop permit must submit  
19 a written application to the board. The application must be  
20 accompanied by an inspection fee set by the board in an amount not  
21 to exceed \$50. The application must include the address of the  
22 shop, a legal description of the premises for which the permit is  
23 sought, and any other information required by the board. As soon  
24 as practicable after receipt of the application and fee, the board  
25 shall issue a temporary wig specialty shop permit to the applicant.  
26 [An applicant for a wig salon license shall submit an application  
27 on a form prescribed by the board. The application shall contain

1 ~~proof--of--the-particular-requisites-for-a-wig-salon-as-established~~  
2 ~~by-the-board-and-shall-be-verified-by-the-applicant.]~~

3 (c) The board shall issue a permanent wig specialty shop  
4 permit to an applicant who holds a valid wig specialist license and  
5 whose shop meets:

6 (1) the minimum health standards required by the Texas  
7 Department of Health for wig specialty shops, as determined by a  
8 board inspection; and

9 (2) any additional requirements imposed by board rule.

10 (d) A person who holds a wig specialty shop permit may  
11 maintain an establishment in which only the practice of barbering,  
12 as defined by Section 4(b)(11) of this Act, is performed for  
13 compensation. A wig specialty shop may be operated only under the  
14 direction of a person who holds a valid wig specialist license.

15 (e) The holder shall display the permit in a conspicuous  
16 place in the shop for which the permit is issued. A permit issued  
17 under this section is not transferable. If the ownership of a wig  
18 specialty shop is transferred to another person, the shop may  
19 continue in operation if the new owner applies for and obtains a  
20 new permit not later than the 30th day after the date on which  
21 ownership is transferred.

22 (f) A person who holds a license, permit, or certificate  
23 issued by the Texas Cosmetology Commission may not practice under  
24 that authority at a wig specialty shop regulated under this Act.

25 (g) A permit issued under this section expires July 1 of  
26 each odd-numbered year. A holder may renew the permit by  
27 submitting a renewal application to the board, accompanied by a



1 renewal fee set by the board not to exceed \$50.

2 (h) A holder of a permit issued under this section may move  
3 the wig specialty shop to a different location if the holder  
4 receives board approval of the new location. The holder must  
5 notify the board of the move not later than the 10th day before the  
6 date on which the move is scheduled to occur. [The--applicant--is  
7 entitled-to-a-wig-salon-license-if-the-application-shows-compliance  
8 with--the--rules-and-regulations-of-the-board,-a-license-fee-not-to  
9 exceed-\$50-is-paid,-and-such-applicant-has--not--committed--an--act  
10 which--constitutes--grounds--for-revocation-of-a-license-under-this  
11 Act- ]

12 SECTION 16. Section 18.1, Chapter 65, Acts of the 41st  
13 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
14 Texas Civil Statutes), is amended to read as follows:

15 Sec. 18.1. (a) A person holding a wig school permit  
16 [license] issued by the board may maintain an establishment in  
17 which only the practice of barbering as defined in Section 4(b)(11)  
18 of this Act is taught for compensation.

19 (b) An applicant for a wig school permit [license] shall  
20 submit an application on a form prescribed by the board. The  
21 application shall contain proof of the particular requisites for a  
22 wig school as established by the board and shall be verified by the  
23 applicant.

24 (c) The applicant is entitled to a wig school permit  
25 [license] if the application shows compliance with the rules and  
26 regulations of the board, a \$100 permit [license] fee is paid, and  
27 applicant has not committed an act which constitutes grounds for

1     revocation of a license or permit under this Act.

2             SECTION 17.     Section 19, Chapter 65, Acts of the 41st  
3     Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
4     Texas Civil Statutes), is amended to read as follows:

5             Sec. 19.     Every holder of a certificate of registration or  
6     license issued by the board shall display the original certificate  
7     or license, together with an attached photograph of the certificate  
8     holder or licensee, [it] in a conspicuous place adjacent to or near  
9     the certificate holder's or licensee's [his] work-chair in the shop  
10    in which the certificate holder or licensee [he] is working or  
11    employed.

12            SECTION 18.     Section 20, Chapter 65, Acts of the 41st  
13    Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
14    Texas Civil Statutes), is amended to read as follows:

15            Sec. 20.   (a) Each certificate of registration or license  
16    issued under this Act expires two years from the date of issuance.  
17    Each registered Class A barber, barber technician, teacher, wig  
18    instructor, wig specialist, manicurist, or other licensed  
19    specialist who continues in active practice or service must renew  
20    the certificate or license on or before the expiration date. The  
21    Board shall issue a renewal certificate or license on receipt of a  
22    renewal application in the form prescribed by the Board,  
23    accompanied by the renewal fee set by the Board in the amount for  
24    an original certificate or license, but not to exceed \$70. [Every  
25    registered-Class-A-barber-and-barber-technician--who--continues--in  
26    active---practice---or---service---shall--renew--his--certificate--of  
27    registration-en-or-before-November-1-of--odd-numbered--years.---The

1 Board--of-Barber-Examiners-shall-issue-the-renewal-certificate-upon  
2 payment-of-a--biennial--renewal--fee--not--to--exceed--\$70.---Every  
3 certificate--of--registration--which--has-not-been-renewed-prior-to  
4 that-date-shall-expire-on-November-1-of-that-year.]

5 (b) A Class A registered barber or other licensee, whose  
6 certificate of registration or license has expired, may, within 30  
7 days thereafter, and not later, have his certificate of  
8 registration or license restored by applying to the Board and  
9 paying the biennial renewal fee set by the Board [upon--making--a  
10 satisfactory--showing--to--the--Board,--supported--by--his--personal  
11 affidavit,--which--in--the--opinion--of--the--Board,--will--excuse--the  
12 applicant--for--having--failed--to-renew-his-certificate-within-the  
13 time-required-by-this-Act].

14 (c) Any registered barber or licensee whose certificate of  
15 registration or license has been expired for not [who-retires-from  
16 the-practice-of-barbering-for-not] more than five (5) years may  
17 reinstate the [renew-his] certificate of registration or license by  
18 making proper showing to the Board, supported by his personal  
19 affidavit, which, in the opinion of the Board, would justify the  
20 Board in issuing a certificate or license to such applicant as upon  
21 an original application upon payment of a fee equal to the current  
22 amount of the original certificate or license fee, plus a  
23 delinquency fee of \$30 for each year or part of a year that the  
24 certificate or license has been expired [not-to-exceed-\$70--if--the  
25 applicant---applies--during--the--period--from--November--1--of--an  
26 odd-numbered-year-and-extending-through-October-31-of-the-following  
27 even-numbered-year-not-to--exceed--\$35--if--the--applicant--applies

1 during--the--period--from--November--1-of-an-even-numbered-year-and  
2 extending-through-October-31-of-the-following--odd-numbered--year].

3 (d) Any registered barber or licensee who retires from [the]  
4 practice and whose certificate of registration or license has been  
5 expired [~~of-barbering~~] for more than five (5) years may qualify for  
6 a new [~~renew-his~~] certificate of registration or license by making  
7 application to the Board and by making proper showing to the Board,  
8 supported by his personal affidavit, and by paying an examination  
9 fee not to exceed \$70, passing a satisfactory examination conducted  
10 by the Board, and paying the [~~a--license~~] fee for an original  
11 certificate of registration or license [~~not-to-exceed-\$50-if-the~~  
12 ~~applicant-fulfills-the-requirements-during-the-period-from-November~~  
13 ~~1-of-an-odd-numbered-year-and-extending-through-October-31--of--the~~  
14 ~~following--even-numbered-year-or-not-to-exceed-\$25-if-the-applicant~~  
15 ~~fulfills-the-requirements-during-the-period-from-November-1--of--an~~  
16 ~~even-numbered---year--and--extending--through--October--31--of--the~~  
17 ~~following-odd-numbered-year~~].

18 SECTION 19. Section 20a, Chapter 65, Acts of the 41st  
19 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
20 Texas Civil Statutes), is amended to read as follows:

21 Sec. 20a. Any registered barber, [~~registered---assistant~~  
22 ~~barber---or~~] barber technician, teacher, manicurist, or wig  
23 specialist shall not be required to renew his certificate of  
24 registration while serving on active duty in the military, air or  
25 naval forces of the United States, and the Board shall issue a  
26 renewal certificate upon application and payment of a renewal fee  
27 within ninety (90) days from the date such registered barber,

1    [~~registered--assistant--barber,--or~~] barber technician, teacher,  
2    manicurist, or wig specialist is released or discharged from active  
3    duty in the armed forces. The renewal fee shall be:

4            (1) Ten Dollars (\$10) if the application and payment  
5    is made during the period from November 1 of an odd-numbered year  
6    and extending through October 31 of the following even-numbered  
7    year;

8            (2) Five Dollars (\$5) if the application and payment  
9    is made during the period from November 1 of an even-numbered year  
10   and extending through October 31 of the following odd-numbered  
11   year.

12           SECTION 20. Section 21, Chapter 65, Acts of the 41st  
13   Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
14   Texas Civil Statutes), is amended to read as follows:

15           Sec. 21. The board shall either refuse to issue or to renew,  
16   or shall suspend or revoke any certificate of registration or  
17   license for any one of, or a combination of the following causes:

18            (A) Gross malpractice;

19            (B) Continued practice by a person knowingly having an  
20   infectious or contagious disease;

21            (C) Advertising by means of knowingly making false or  
22   deceptive statements;

23            (D) Advertising, practicing, or attempting to practice  
24   under another's trade name or another's name;

25            (E) Habitual drunkenness or habitual addiction to the  
26   use of morphine, cocaine, or other habit-forming drugs;

27            (F) The commission of any of the offenses described in

1 Section 24 of this Act;

2 (G) No certificate or license shall be issued or  
3 renewed, unless and until each applicant shall present a health  
4 certificate from a regular practicing [~~medica~~] doctor of medicine  
5 or doctor of osteopathic medicine showing that the applicant is  
6 free from any kind of infectious or contagious diseases,  
7 tuberculosis, communicable diseases, and free from the use of any  
8 kind of morphine, cocaine, or other habit-forming drug, or a  
9 habitual drunkard and that said applicant shall make affidavit to  
10 said medical examiner that all of the said facts are true.

11 SECTION 21. Section 22(a), Chapter 65, Acts of the 41st  
12 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
13 Texas Civil Statutes), is amended to read as follows:

14 (a) If a barber inspector believes that any of the grounds  
15 specified in Section 21 exist, or that the holder of a certificate,  
16 license, or permit has failed to comply with any of the  
17 requirements of this Act, he shall notify the holder of the  
18 certificate, license, or permit of that fact and summons him to  
19 appear for hearing as provided in this section. The hearing shall  
20 be had not less than twenty (20) days after notification in writing  
21 to the holder of the certificate, license, or permit, specifying  
22 the violation or non-compliance alleged. For the purpose of  
23 hearing such cases concurrent jurisdiction is vested in the county  
24 court of the county where the holder of the certificate, license,  
25 or permit resides and in the county court of the county where the  
26 violation allegedly occurred. The court may administer oaths and  
27 may issue subpoenas for the attendance of witnesses and the

1 production of relative books and papers. The holder of the  
2 certificate, license, or permit shall have the right to be  
3 represented by counsel. At the hearing, the board shall be  
4 represented by the attorney general, district attorney, or county  
5 attorney. At such a hearing the issue to be determined is whether  
6 any grounds exist under Section 21 for denial, refusal to renew,  
7 suspension, or revocation of the certificate, license, or permit.  
8 The judge who presides at the hearing shall report his finding to  
9 the board, which may, if the finding warrants, deny, suspend,  
10 revoke, or refuse to renew the certificate, license, or permit.

11 SECTION 22. Subsections (b) and (c), Section 23, Chapter 65,  
12 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
13 8407a, Vernon's Texas Civil Statutes), are amended to read as  
14 follows:

15 (b) The fees to be paid to the Board by an applicant for an  
16 examination to determine his fitness to receive a certificate of  
17 registration to practice barbering[~~7-to-practice-as-an-assistant~~  
18 ~~barber7~~] or to practice as a barber technician shall be \$10.

19 (c) The fees to be paid to the Board by an applicant who has  
20 satisfactorily passed the examination and complied with the other  
21 provisions of this Act to receive a certificate of registration to  
22 practice barbering[~~7-to-practice-as-an--assistant--barber7~~] or to  
23 practice as a barber technician shall be set by the Board in an  
24 amount not to exceed \$70[ -

25 [~~1)-an-amount-not-to-exceed--\$70--if--the--applicant~~  
26 ~~fulfills--the--requirements-during-the-period-from-November-1-of-an~~  
27 ~~odd-numbered-year-and-extending-through-October-31-of-the-following~~

1 even-numbered-year, or

2 [ ~~(2)~~ --an amount not to exceed --\$35--if--the--applicant  
3 fulfills--the--requirements--during--the--period--from--November--1--of--an  
4 even-numbered--year--and--extending--through--October--31--of--the  
5 following-odd-numbered-year].

6 SECTION 23. Section 24, Chapter 65, Acts of the 41st  
7 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
8 Texas Civil Statutes), is amended to read as follows:

9 Sec. 24. Each of the following offenses shall constitute a  
10 misdemeanor punishable upon conviction in a court of competent  
11 jurisdiction by a fine of not less than twenty-five dollars  
12 (\$25.00) nor more than two hundred dollars (\$200.00).

13 (A) The violation of any of the provisions of Sections  
14 1, 2, or 3~~[7-and-5]~~ of this Act;

15 (B) Permitting any person in one's employ,  
16 supervision, or control to practice as a barber or other licensee  
17 ~~[as--an--assistant--barber,]~~ unless that person has a current  
18 certificate of registration or license issued by the board;

19 (C) Obtaining or attempting to obtain a certificate of  
20 registration or license by fraudulent representation;

21 (C-1) For anyone who owns, operates or manages a  
22 barber school or college to work a chair or to permit teachers,  
23 student teachers ~~[instructors]~~, ~~[licensed-barbers]~~ or anyone ~~[any~~  
24 ~~one]~~ other than an enrolled student to render barbering services to  
25 the public in their said establishment;

26 (D) The willful failure to display a certificate of  
27 registration or license as required by Section 19 of this Act.



1           SECTION 24.   Section 27, Chapter 65, Acts of the 41st  
2   Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
3   Texas Civil Statutes), is amended to read as follows:

4           Sec. 27. (a) The State Board of Barber Examiners shall  
5   elect one of its members as president, and shall select an  
6   executive director [~~elect-a-secretary~~] and such other employees, as  
7   may be necessary, to carry out the provisions of this Act [~~and~~  
8   ~~House---Bill---No.-104,---Chapter---65,--Acts--of--the--Forty-first~~  
9   ~~Legislature,--First-Called-Session,--as-amended,~~] and provide for the  
10   compensation of the executive director [~~such-secretary~~] and other  
11   employees. Said Board shall maintain its office in the [~~State~~  
12   ~~Office-Building-in-the~~] City of Austin, Texas, and shall adopt  
13   rules and regulations for the transaction of the business herein  
14   provided for, including a common seal for the authentication of its  
15   orders, certificates and records. The executive director  
16   [~~secretary~~] shall keep a record of all proceedings of the Board and  
17   shall be the custodian of all such records and shall receive and  
18   receipt for all money collected by the Board. All money so  
19   received shall be immediately deposited with the State Treasurer,  
20   who shall credit same to a special fund to be known as "State Board  
21   of Barber Examiners Fund," which money shall be drawn from said  
22   special fund upon claims made therefor by the Board to the  
23   Comptroller; and if found correct, to be approved by him and  
24   vouchers issued therefor, and countersigned and paid by the State  
25   Treasurer, which special fund is [~~hereby--appropriated~~] for the  
26   purpose of carrying out all the provisions of this Act. Annually  
27   at the close of business on August 31st of each year, a complete

1 report of the business transaction by the Board showing all  
2 receipts and disbursements shall be made by the Board to the  
3 Governor of the State of Texas. The State Auditor shall audit the  
4 financial transactions of the Board at least once every two fiscal  
5 years.

6 (b) The executive director [~~secretary~~] shall give a surety  
7 bond, payable to the State of Texas in the sum of Five Thousand  
8 Dollars (\$5,000), conditioned for the faithful performances of the  
9 [~~his~~] duties as executive director [~~secretary~~], to be approved by  
10 the Board and filed with the State Comptroller. A majority of the  
11 Board in meetings duly assembled may perform and exercise all the  
12 duties and powers devolving upon the Board.

13 (c) The compensation of the members of the Board shall be a  
14 per diem as set by the General Appropriations Act, and in addition  
15 to the per diem provided for herein, they shall be entitled to  
16 traveling expenses in accordance with the appropriate provisions of  
17 the General Appropriations Act. Each Board member shall make out,  
18 under oath, a complete itemized statement of the number of days  
19 engaged and the amount of his expenses when presenting same for  
20 payment.

21 SECTION 25. Section 27a(a), Chapter 65, Acts of the 41st  
22 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
23 Texas Civil Statutes), is amended to read as follows:

24 (a) No barber inspector or other employee of the State Board  
25 of Barber Examiners may sell barber supplies or engage in any other  
26 business which deals directly with barbers, barber shops, specialty  
27 shops, or barber schools except that he may engage in the practice

1 of barbering.

2 SECTION 26. Section 28(a), Chapter 65, Acts of the 41st  
3 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
4 Texas Civil Statutes), is amended to read as follows:

5 (a) The Texas [~~State~~] Board of Health shall make, establish  
6 and promulgate reasonable sanitary rules and regulations for the  
7 conduct of barber shops, specialty shops, and barber schools. The  
8 State Board of Barber Examiners, by and through the Texas  
9 Department of Health [~~Health-Department-of--the--State--of--Texas~~],  
10 shall have authority, and it is made its duty to enter upon the  
11 premises of all barber shops, specialty shops, barber schools or  
12 any place where any of its certificate holders or licensees are  
13 practicing or performing any service, act or treatment by authority  
14 of any certificate or license issued by the board and inspect same  
15 at any time during business hours. A copy of such sanitary rules  
16 and regulations adopted by the Texas Board of Health shall be  
17 furnished to the executive director [~~Secretary~~] of the State Board  
18 of Barber Examiners who shall in turn forward to each barber,  
19 barber school or licensee of the board a copy of such rules and  
20 regulations. A copy of the sanitary rules and regulations  
21 promulgated and adopted by the Texas [~~State~~] Board of Health shall  
22 be posted in barber shops, specialty shops, and barber schools in  
23 this State. Subject only to the authority of the Texas [~~State~~]  
24 Board of Health to make and promulgate reasonable rules and  
25 regulations as to sanitation, the State Board of Barber Examiners  
26 shall have full authority and power to make and enforce all rules  
27 and regulations necessary for the performance of its duties, to

1 establish standards of conduct and ethics for all persons licensed  
2 or practicing under the provisions of this Act, and to regulate the  
3 practice and teaching of barbering in all of its particulars in  
4 keeping with the purposes and intent of this Act or to insure  
5 strict compliance with and enforcement of this Act.

6 SECTION 27. Section 29, Chapter 65, Acts of the 41st  
7 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
8 Texas Civil Statutes), is amended to read as follows:

9 Sec. 29. The Board shall keep a record of its proceedings  
10 relating to the issuance, refusal, renewal, suspension, and  
11 revocation of certificates of registration, licenses, or permits.  
12 This record shall also contain the name, place of business, and  
13 residence of each registered barber, licensee, or permittee [and  
14 ~~registered-assistant-barber~~], and the date and number of his  
15 certificate of registration, license, or permit. This record shall  
16 be open to public inspection at all reasonable times.

17 SECTION 28. Section 29A, Chapter 65, Acts of the 41st  
18 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
19 Texas Civil Statutes), is amended to read as follows:

20 Sec. 29A. (a) The State Board of Barber Examiners shall  
21 keep an information file about each complaint filed with the board  
22 relating to licensees, permittees, or certificate holders under  
23 this Act.

24 (b) If a written complaint is filed with the State Board of  
25 Barber Examiners relating to a licensee, permittee, or certificate  
26 holder under this Act, the board, at least as frequently as  
27 quarterly, shall notify the complainant of the status of the

1 complaint until the complaint is finally resolved.

2 SECTION 29. Chapter 65, Acts of the 41st Legislature, 1st  
3 Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
4 Statutes), is amended by adding Section 29E to read as follows:

5 Sec. 29E. A barber shop, specialty shop, or barber school  
6 permit that has been expired for more than 30 days may be renewed  
7 by filing a renewal application with the board, accompanied by the  
8 regular renewal fee, and a delinquency fee of \$30 for each year or  
9 part of a year that the permit has been expired.

10 SECTION 30. (a) This Act takes effect September 1, 1989.

11 (b) This Act applies only to a license, certificate, or  
12 permit issued or renewed by the State Board of Barber Examiners on  
13 or after September 1, 1989. A license, certificate, or permit  
14 issued or renewed before that date is covered by the law in effect  
15 on the date that the license, certificate, or permit was issued or  
16 renewed, and the prior law is continued in effect for this purpose.

17 (c) A person who on the effective date of this Act holds a  
18 cosmetology license or manicurist license issued by the Texas  
19 Cosmetology Commission is entitled to a manicurist license issued  
20 by the State Board of Barber Examiners on application to that  
21 board.

22 SECTION 31. The importance of this legislation and the  
23 crowded condition of the calendars in both houses create an  
24 emergency and an imperative public necessity that the  
25 constitutional rule requiring bills to be read on three several  
26 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

89 MAR 15 AM 9:25  
HOUSE OF REPRESENTATIVES

1st. Printing

By Eckels

H.B. No. 460

A BILL TO BE ENTITLED

AN ACT

relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Article 8402, Revised Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or managing a barber shop or specialty shop shall register his full name and the location of said shop with the State Board of Barber Examiners and must hold a permit for that shop. An applicant for a barber shop permit or specialty shop permit must ~~[---Each-owner, operator-or-manager-of-a-barber--shop--that--is--first--opened--for business--hereafter--shall--within--three-days-after-the-opening-of such-shop]~~ submit an application to the barber board for the appropriate ~~[a-barber-shop]~~ permit.

(b) In order that the public may fix responsibility for services, acts, or treatments performed by persons licensed by the State Board of Barber Examiners vis-a-vis those performed by persons licensed by the Texas Cosmetology Commission, to promote the efficient and orderly administration of laws regulating barbers and the practice of barbering and the laws regulating cosmetologists and the practice of cosmetology and to avoid confusion of the public as well as avoiding conflicts of jurisdiction between such board and commission which might impede

1 effective administration or enforcement of the laws under their  
2 respective jurisdictions[~~7--from-and-after-January-31--1980~~]:

3 (1) a person licensed by the barber board may practice  
4 [~~barbering~~] only at a location for which the board has issued a  
5 barber shop permit, specialty shop permit, barber school or college  
6 permit, or any other permit. If the State Board of Barber  
7 Examiners and the Texas Cosmetology Commission license the same  
8 facility, the board may not adopt rules restricting or prohibiting  
9 the practice by a Class A barber, manicurist, or wig specialist in  
10 the facility; and

11 (2) a person licensed by the cosmetology commission  
12 may practice cosmetology only at a location for which the  
13 commission has issued a beauty shop license, private beauty culture  
14 school license, or any other license. If the State Board of Barber  
15 Examiners and the Texas Cosmetology Commission license the same  
16 facility, the commission may not adopt rules restricting or  
17 prohibiting the practice by a cosmetologist in the facility.

18 SECTION 2. Article 8403, Revised Statutes, is amended to  
19 read as follows:

20 Art. 8403. EQUIPMENT. The owner, operator or manager of any  
21 barber shop, specialty shop, or barber school [~~or--beauty--parlor~~]  
22 shall equip and keep equipped the same with facilities and supplies  
23 and with all such appliances, furnishings and materials as may be  
24 necessary to enable persons employed in and about the same to  
25 comply with the law.

26 SECTION 3. Article 8404, Revised Statutes, is amended to  
27 read as follows:

Art. 8404. EMPLOYEE [~~EMPLOYEE~~] WITH DISEASE. No owner, operator or manager of a barber shop, specialty shop, or barber school [~~er-a-beauty--parlor~~] shall knowingly permit any person suffering from a communicable skin disease or from a venereal disease to act as a barber or employee [~~employee~~] or work or be employed in the [~~said~~] shop or school [~~parlor~~]. No person who to his own knowledge is suffering from a communicable disease or from venereal disease shall act as a barber or work or be employed in a [~~said~~] shop or school [~~parlor~~].

SECTION 4. Article 8405, Revised Statutes, is amended to read as follows:

Art. 8405. CLEANLINESS. Every person in charge of a barber shop, specialty shop, or barber school [~~beauty-parlor~~] shall keep the [~~said~~] shop or school [~~parlor~~] and all furniture, tools, appliances and other equipment used therein at all times in a clean [~~cleanly~~] condition, and shall cause all combs, hair brushes, [~~hair dusters~~] and similar articles used therein to be washed thoroughly at least once a day and to be kept clean at all times, and shall cause all mugs, shaving brushes, razors, shears, scissors, clippers and tweezers used therein to be sterilized at least once after each time used as hereinafter provided. The term "persons affected by this chapter" shall include any person working or employed in a barber shop, specialty shop, or barber school [~~beauty--parlor~~] or acting as a barber, wig [~~beauty~~] specialist, or manicurist. Every barber or other person affected by this chapter, immediately after using a mug, shaving brush, razor, scissors, shears, clippers, or tweezers, for the service of any person, shall sterilize the same



1 by immersing it in boiling water for not less than a minute, or in  
2 the case of a razor, scissors, shears or tweezers, by immersing it  
3 for not less than ten minutes in a five per cent aqueous solution  
4 of carbolic acid. No barber or other person affected by this  
5 chapter shall:

6 1. Use for the service of any customer a comb, hair  
7 brush, [~~hair-duster~~] or any similar article that is not thoroughly  
8 clean, nor any mug, shaving brush, razor, shears, scissors,  
9 clippers, or tweezers, that are not thoroughly clean or that have  
10 not been sterilized since last used.

11 2. Serve any customer unless he shall immediately  
12 before such service cleanse his hands thoroughly.

13 3. Use for the service of a customer any towel or wash  
14 cloth that has not been boiled and laundered since last used.

15 4. To stop the flow of blood use the same piece of  
16 alum or other material for more than one person.

17 5. Shave any person when the surface to be shaved is  
18 inflamed or broken out or contains pus[~~7--unless--such--person--be~~  
19 ~~provided--with--a--cup,--razor--and-lather-brush-for-his-individual~~  
20 use].

21 6. Permit any person to use the head rest of any  
22 barber's chair under his control until after the head rest has been  
23 covered with a towel that has been washed and boiled since having  
24 been used before, or by clean new paper or similar clean substance.

25 7. Use a powder puff or a sponge in the service of a  
26 customer unless it has been sterilized since last used.

27 8. Use a finger bowl unless it has been sterilized

1 since last used and fresh water or other liquid placed therein.

2 9. Serve a customer without the use of a sanitized  
3 neck strip, cloth towel, or paper towel between the customer and  
4 the chair cloth.

5 10. Bring an animal into a shop or school, or allow an  
6 animal to remain in a shop or school, unless the animal is a  
7 trained dog used to assist a handicapped person or is a dog used as  
8 a guard dog for security purposes.

9 11. Use a hair duster in providing services for any  
10 customer.

11 SECTION 5. Article 8406, Revised Statutes, is amended to  
12 read as follows:

13 Art. 8406. CERTAIN OTHER USES PROHIBITED; EXCEPTION [NO  
14 PLACE-TO-SLEEP]. (a) No owner or manager of any barber shop,  
15 specialty shop, or barber school [beauty-parlor] shall permit any  
16 person to sleep in any room used wholly or in part as such shop or  
17 school [parlor], and no person shall pursue the barber business or  
18 be employed in a barber shop, specialty shop, or barber school  
19 [beauty---parlor] in any room used as [a] sleeping quarters  
20 [apartment].

21 (b) If located in the same building with any business other  
22 than a beauty salon, a barber shop, specialty shop, or barber  
23 school must be separated from the other business by a solid wall  
24 and must have a separate entrance. This subsection does not  
25 prohibit the operation of a shoe shine enterprise on the premises  
26 of a barber shop, specialty shop, or barber school.

27 SECTION 6. Section 2, Chapter 65, Acts of the 41st

Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. Unless [~~From--and-after-the-effective-date-of-this Act,--unless~~] duly licensed and registered in accordance with all laws of this state regulating the practice of barbering, no person shall:

(a) practice, continue to practice, offer, or attempt to practice barbering or any part thereof;

(b) directly or indirectly, employ, use, cause to be used, or make use of any of the following terms or any combinations, variations, or abbreviations thereof, as a professional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit: "barber," "barbering," "barber school," "barber college," "barber shop," "barber salon," or "specialty shop"; or

(c) directly or indirectly, employ, use, cause to be used, or make use of any letter, abbreviation, word, symbol, slogan, sign, or any combination or variation thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice barbering or own or manage any barber shop, specialty shop, or barber school or college.

SECTION 7. Section 4, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. [~~DEFINITIONS.~~] In this Act, unless the context otherwise requires:

1           (a) "barber" shall mean any person who performs,  
2 offers, or attempts to perform any act of barbering, professes to  
3 do barbering or to be engaged in the practice thereof, or who  
4 directly or indirectly or in any manner whatsoever advertises or  
5 holds himself out as a barber or as authorized to practice  
6 barbering;

7           (b) "barbering," "practicing barbering," or the  
8 "practice of barbering" shall mean the performing or doing, or  
9 offering or attempting to do or perform, any, all or any  
10 combination of the following acts, services, works, treatments, or  
11 undertakings:

12                   (1) arranging,           beautifying,           coloring,  
13 processing, shaving, styling, or trimming the mustache or beard by  
14 any means or method;

15                   (2) arranging,           beautifying,           bleaching,  
16 cleansing, coloring, curling, dressing, dyeing, processing,  
17 shampooing, shaping, singeing, straightening, styling, tinting,  
18 waving, or otherwise treating the hair as primary services,  
19 treatments, or undertakings by any means or method, including any  
20 bobbing, clipping, cutting, or trimming of the hair as a necessary  
21 incident preparatory or ancillary to such primary services;

22                   (3) cutting the hair as a primary service,  
23 treatment, or undertaking and not as a necessary incident  
24 preparatory or ancillary to those primary services enumerated in  
25 Section 4(b)(2), or primarily engaging in the occupation of cutting  
26 hair or practicing primarily as a haircutter by cutting hair as a  
27 separate and independent service, treatment, or undertaking for

1 which haircut a charge is made, as such, separate and apart from  
2 any other service, treatment, or undertaking, directly or  
3 indirectly, or in any manner whatsoever;

4 (4) cleansing, stimulating, or massaging the  
5 scalp, face, neck, arms, or shoulders[~~7--or-that-part--of--the--body~~  
6 ~~above--the-shoulders~~7] by means of the hands, devices, apparatuses,  
7 or appliances, with or without the use of cosmetic preparations,  
8 antiseptics, tonics, lotions, or creams;

9 (5) beautifying the face, neck, arms, or  
10 shoulders[~~7--or-that-part-of-the-body-above-the-shoulders~~7] by the  
11 use of cosmetic preparations, antiseptics, tonics, lotions,  
12 powders, oils, clays, creams, or appliances;

13 (6) cutting, trimming, polishing, tinting,  
14 coloring, cleansing, [~~or~~] manicuring, or pedicuring the nails of  
15 any person or attaching false nails;

16 (7) massaging, cleansing, treating, or  
17 beautifying the hands of any person;

18 (8) administering facial treatments;

19 (9) hair weaving;

20 (10) shampooing or conditioning hair;

21 (11) servicing a wig, toupee, or artificial  
22 hairpiece on a human head or on a block, subsequent to the initial  
23 retail sale by any of the acts, services, works, treatments, or  
24 undertakings enumerated in Section 4(b)(2) of this Act;

25 (12) advertising or holding out to the public by  
26 any manner whatsoever that any person is a barber or authorized to  
27 practice barbering;

1                   (13) advertising or holding out to the public by  
2 any manner whatsoever that any location or place of business is a  
3 barber shop, specialty shop, barber school, barber college, or  
4 barber salon;

5                   (14) receiving any fee, salary, compensation, or  
6 financial benefit, or the promise of any fee, salary, compensation,  
7 or financial benefit, for performing, doing, offering, or  
8 attempting to perform or do any act, work, service, or thing, which  
9 is any part of the practice of barbering as herein defined;

10                  (c) "barber shop" or "barber salon" shall mean any  
11 place where barbering is practiced, offered, or attempted to be  
12 practiced except when such place is duly licensed as a barber  
13 school or college;

14                  (d) "board" shall mean the State Board of Barber  
15 Examiners as established and provided for in the Texas Barber Law;

16                  (e) "certificate" shall mean a certificate of  
17 registration issued by the board in accordance with the provisions  
18 of this Act;

19                  (f) "license" shall mean any license issued by the  
20 board in accordance with the provisions of this Act;

21                  (g) "manager" shall mean any person who controls or  
22 directs the business affairs of a barber shop or directs the work  
23 of a person employed in a barber shop or both;

24                  (h) "manicurist specialty shop" shall mean any place  
25 where only the practice of barbering as defined by Sections 4(b)(6)  
26 and (7) of this Act is performed for compensation;

27                  (i) "permit" shall mean any permit issued by the board

in accordance with the provisions of this Act;

(j) ~~[(i)]~~ "person" shall mean any individual, association, firm, corporation, partnership, or other legal entity;

(k) "specialty shop" shall mean a manicurist specialty shop or a wig specialty shop;

(l) "wig specialty shop" shall mean any place where only the practice of barbering as defined by Section 4(b)(11) of this Act is performed for compensation.

(m) ~~[(j)]~~ In addition to the foregoing definitions, the board shall have authority to define by rule any words or terms necessary in the administration or enforcement of this Act.

SECTION 8. Section 6, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. ~~[EXEMPTIONS-]~~ The following persons shall be exempt from the provisions of this Act, provided such persons are not represented, advertised, or held out to the public, directly or indirectly, or in any manner whatsoever, as barbers, journeymen barbers, barber technicians, or under any name, title, or designation indicating such person is authorized to practice by authority of any license or permit issued by the board:

(a) a doctor of medicine, doctor of osteopathic medicine, or ~~[physicians,--osteopaths,--and]~~ registered nurse ~~[nurses]~~ licensed and regulated by the State of Texas while operating within the scope of that person's license;

(b) commissioned or authorized medical or surgical officers of the United States Army, Navy, or Marine Hospital

1 Service;

2 (c) persons licensed or practicing by authority of the  
3 Texas Cosmetology Commission under the provisions of Chapter 1036,  
4 Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
5 Vernon's Texas Civil Statutes), so long as such persons practice  
6 within the scope of the license or permit duly issued by the Texas  
7 Cosmetology Commission.

8 SECTION 9. Section 7, Chapter 65, Acts of the 41st  
9 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
10 Texas Civil Statutes), is amended to read as follows:

11 Sec. 7. The following shall be considered as minimum  
12 evidence satisfactory to the board that an applicant is qualified  
13 for registration as a Class A registered barber:

14 (a) being at least 16 [~~16-1/2~~] years of age;

15 (b) successfully passing a written and practical  
16 examination demonstrating to the satisfaction of the board the  
17 applicant's fitness and competence to practice the art and science  
18 of barbering.

19 SECTION 10. Section 9, Chapter 65, Acts of the 41st  
20 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
21 Texas Civil Statutes), is amended to read as follows:

22 Sec. 9. (a) Any person desiring to conduct or operate a  
23 barber school or college in this state shall first obtain a permit  
24 from the board after demonstrating that said school or college has  
25 first met the requirements of this section. Said permit shall be  
26 prominently displayed at all times at such school or college. [Ne  
27 ~~such-school-or-college-shall-be--approved--unless--such--school--or~~



college--requires--as--a--prerequisite--to--graduation--a--course--of  
instruction--of--not--less--than--1,500--hours--as--determined--by--the  
board,--to--be--completed--within--a--period--of--not--less--than--nine  
months,--for--a--Class--A--certificate,--and--at--least--800--hours--of--such  
course--of--instruction--shall--be--in--the--actual--practice--of--cutting  
hair--as--a--primary--service--in--accordance--with--the--definition--set  
forth--in--Section--4(b)(3)--of--this--Act. ]

(b) No certificate or permit shall be issued as provided for  
herein to an applicant to be a student in such a school or college  
unless said applicant has completed at least a seventh grade  
education and such other requirements as shall be specified by the  
board. Each applicant to be a student must submit an enrollment  
application to the board in the form prescribed by the board. The  
application must be accompanied by a nonrefundable application fee  
set by the board in an amount not to exceed \$25. A separate  
application and application fee are required for each enrollment,  
reenrollment, or transfer enrollment.

(c) The board may not approve a barber school or college  
unless the school or college requires the following hours of  
instruction as a prerequisite for graduation:

(1) Class A barber--1,500 hours of instruction  
completed in a course of not less than nine months, with not less  
than 800 hours in the actual practice of cutting hair as a primary  
service;

(2) barber technician--300 hours of instruction  
completed in a course of not less than eight weeks;

(3) wig instructor--200 hours of instruction completed

in a course of not less than eight weeks;

(4) wig specialist--300 hours of instruction completed in a course of not less than eight weeks;

(5) manicurist--300 hours of instruction completed in a course of not less than eight weeks; and

(6) teacher--1,000 hours of instruction completed in a course of not less than six months.

(d) If a school or college offers a refresher course, that course must require at least 300 hours of instruction. The board by rule shall set the curriculum for a refresher course.

[Provided,---however,---that---any---person---licensed---as---a---Class---A registered---barber---or---registered---assistant---barber---as---of---the effective-date-of-this-Aet-shall-be-considered-qualified-to-perform any---acts---or---services---within---the---scope---of---the---definition-of barbering---and---shall---be---entitled---to---any---or---all---licenses, certificates,---or---permits-which-the-board-is-authorized-to-issue-on payment---of---the---required---fees---but---without---meeting---further educational-or-experience-requirements.]

(e) A barber school or college shall submit a monthly progress report to the board regarding each student in attendance at the school or college. The report must certify the daily attendance record of the student and the number of credit hours earned by the student during the previous month. The school or college may not increase, decrease, or withhold for any reason the number of credit hours earned by a student. On completion by a student of a prescribed course of instruction, the school or college shall certify to the board that the student has completed

1 the required number of hours and is eligible to take the  
2 appropriate examination.

3 (f) [~~b~~] Such schools or colleges shall instruct students  
4 in the theory and practice of such subjects as may be necessary and  
5 beneficial in the practice of barbering, including the following:

6 (1) all laws governing the practice of barbering in  
7 this state;

8 (2) scientific fundamentals of barbering;

9 (3) hygienic bacteriology;[7]

10 (4) histology of the hair, skin, muscles, and nerves;

11 (5) the structure of the head, neck and face;

12 (6) elementary chemistry relating to sterilization and  
13 antiseptics;

14 (7) common disorders of the skin and hair;

15 (8) massaging muscles of the scalp, face, and neck;

16 (9) hair-cutting;

17 (10) shaving, shampooing, and bleaching and dyeing of  
18 the hair;

19 (11) manicuring, administering facial treatments, hair  
20 weaving, servicing wigs; and[7-er]

21 (12) any other skills, techniques, services,  
22 treatments, or undertakings within the definition of the practice  
23 of barbering provided for in this Act.

24 (g) [~~e~~] No barber school or college which issues "Class A"  
25 certificates shall be approved by the Board for the issuance of a  
26 permit unless said school or college has the following:

27 (1) An adequate school site housed in a substantial

1 building of a permanent-type construction containing a minimum of  
2 not less than two thousand, eight hundred (2,800) square feet of  
3 floor space. Such space shall be divided into the following  
4 separate departments: a senior department, a junior department, a  
5 class theory room, a supply room, an office space, a dressing and  
6 cloak room, and two (2) sanitary, modern separate rest rooms,  
7 equipped with one (1) commode each and a urinal in one (1) rest  
8 room.

9 (2) A hard-surface floor covering of tile or other  
10 suitable material.

11 (3) A minimum of twenty (20) modern barber chairs with  
12 cabinet and mirror for each chair.

13 (4) One (1) lavatory in back of each two (2) chairs.

14 (5) A liquid sterilizer for each chair.

15 (6) An adequate number of latherizers, vibrators, and  
16 hair dryers for the use of students.

17 (7) Adequate lighting of all rooms.

18 (8) At least twenty (20) classroom chairs, a  
19 blackboard, anatomical charts of the head, neck and face, and one  
20 (1) barber chair in the class theory room.

21 (9) A library and library facilities available to  
22 students, containing a medical dictionary and a standard work on  
23 the human anatomy.

24 (10) Adequate drinking fountain facilities, but at  
25 least one (1) to each floor.

26 (11) Adequate toilet facilities for the students.

27 (12) Adequate fire-fighting equipment to be maintained

1 in case of emergency.

2       (h) [~~ed~~] Anything to the contrary in this Act  
3 notwithstanding, each such school shall place a sign on the front  
4 outside portion of its building in a prominent place. Such sign  
5 shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum  
6 size of ten-inch block letters. Printed signs containing the  
7 foregoing information shall be prominently displayed upon each  
8 inside wall of the establishment.

9       (i) [~~et~~] A minimum of five (5) hours a [~~one-hour-periods-of~~  
10 ~~each~~] week must [~~shall~~] be devoted to the instruction of theory in  
11 the classroom, with Saturdays [~~being~~] devoted exclusively to  
12 practical work over the chair. If classes are conducted five (5)  
13 days a week, one (1) hour each day must be devoted to instruction  
14 in theory. If classes are conducted four (4) days a week, one (1)  
15 hour and fifteen (15) minutes each day must be devoted to  
16 instruction in theory. An attendance record book must be  
17 maintained by the school showing a record of the students' daily  
18 attendance. These records are subject to inspection at any and all  
19 times by the Board.

20       (j) [~~et~~] No barber school or college which issues "Class A"  
21 certificates shall be approved by the Board unless it is under the  
22 direct supervision and control of a barber who holds a current  
23 registered "Class A" certificate to practice barbering under the  
24 Texas Barber Law, and who can show evidence of at least five (5)  
25 years experience as a practicing barber. Each school shall have at  
26 least one (1) teacher who has a teacher's certificate issued by the  
27 Board upon examination and who is capable and qualified to teach

1 the curriculum outlined herein to the students of such school. All  
2 such teachers are required to obtain a teacher's certificate from  
3 the Board and, in addition to requirements set forth by the Board,  
4 must meet the following requirements:

5 (1) Demonstrate their ability to teach the said  
6 curriculum outlined herein through a written and practical test to  
7 be given by the Board.

8 (2) Hold a current certificate as a registered "Class  
9 A" barber under this law.

10 (3) Demonstrate to the Board that such applicant is  
11 qualified to teach and instruct, to be determined at the discretion  
12 of the Board, and show evidence that the applicant has had at least  
13 six (6) months experience as a teacher in an approved school or  
14 college in Texas or in another state approved by the Board, or have  
15 completed 1,000 hours of instruction in a [six-month] postgraduate  
16 course as a student teacher in an approved barber school or college  
17 in Texas.

18 (k) A licensed barber who presents evidence satisfactory to  
19 the Board of at least five (5) years' experience as a practicing  
20 barber in a barber shop operating under a permit issued by the  
21 Board, with not less than two (2) years' experience occurring in  
22 the period immediately before application, is also entitled to  
23 apply to take the examination for a teacher's certificate.

24 Applicants desiring an examination for a teacher's certificate  
25 shall make an application to the Board and accompany same with an  
26 examination fee not to exceed \$70. A new application and fee must  
27 be presented for each examination taken by the applicant and fees

1 paid are not refundable. A teacher's certificate shall be issued  
2 upon satisfactory completion of the examination and payment of a  
3 certificate fee not to exceed \$70 if the applicant fulfills the  
4 requirements during the period from November 1 of an odd-numbered  
5 year and extending through October 31 of the following  
6 even-numbered year or not to exceed \$35 if the applicant fulfills  
7 the requirements during the period from November 1 of an  
8 even-numbered year and extending through October 31 of the  
9 following odd-numbered year. Teacher's certificates shall be  
10 renewed biennially on or before November 1st of odd-numbered years  
11 upon the payment of a renewal fee not to exceed \$70.

12 (1) [(g)] In addition to a minimum of one (1) teacher  
13 required in Subsection (j)(3) of this Section [paragraph--(3)  
14 above], each barber school or college which issues "Class A"  
15 certificates shall maintain at least one (1) qualified instructor,  
16 holding a registered "Class A" certificate, for each twenty (20)  
17 students or any fraction thereof for instruction in practical work;  
18 provided, however, that a teacher can also serve as an instructor  
19 in practical work in addition to his position as a theory teacher.  
20 A barber school or college may not enroll more than one (1) student  
21 teacher for each licensed teacher who teaches at the school or  
22 college. A student teacher must concentrate on teaching skills and  
23 may not be booked with customers. Violation of this requirement  
24 constitutes a ground for the revocation of the person's student  
25 teacher barber license.

26 (m) [(h)] No barber school or college shall be issued a  
27 permit to operate under the provisions of this Section until it has

1 first furnished the following evidence to the Board:

2 (1) A detailed drawing and chart of the proposed  
3 physical layout of such school, showing the departments, floor  
4 space, equipment, lights and outlets.

5 (2) Photographs of the proposed site for such school  
6 including the interior and exterior of the building, rooms and  
7 departments.

8 (3) A detailed copy of the training program.

9 (4) A copy of the school catalog and promotional  
10 literature.

11 (5) A copy of the building lease or proposed building  
12 lease where the building is not owned by the school or college.

13 (6) A sworn statement showing the true ownership of  
14 the school or college.

15 (7) A permit fee not to exceed \$1,000.

16 (n) No such school or college shall be operated and no  
17 students shall be solicited or enrolled by it until the Board shall  
18 determine by inspection that the school has been set up and  
19 established in accordance with this Section and the proposal  
20 submitted to the Board and approved by it prior to the issuance of  
21 a permit. A barber school or college that is not approved by the  
22 Board on initial inspection is subject to reinspection by the  
23 Board. For each reinspection, the Board shall charge a  
24 reinspection fee set by the Board in an amount not to exceed \$500.

25 (o) Any such school or college must obtain renewal of its  
26 permit [~~certificate~~] by September 1st each year by the payment of  
27 an annual renewal fee not to exceed \$300.



1           (p) [~~(i)~~] If [When] a barber school or college changes  
 2 ownership, the Board shall be notified of the transfer not later  
 3 than the 10th day before the date on which the change becomes  
 4 effective [~~within-ten-(10)-days-from-the-date-of-such-change~~].

5           (q) [~~(j)~~] Any school or college desiring to change the  
 6 location of such school or college must first obtain approval by  
 7 the Board by showing that the proposed location meets the  
 8 requirements of this Section.

9           (r) [~~(k)~~] If said Board refuses to issue a permit to any  
 10 such school or college, such school or college may by written  
 11 request demand the reasons for said refusal and if said school or  
 12 college shall thereupon meet said requirements and makes a showing  
 13 that the requirements of this law have been complied with, then if  
 14 said Board refuses to issue said permit, a suit may be instituted  
 15 by such school or college in any of the District Courts of Travis  
 16 County, Texas, to require said Board to issue such permit. Any  
 17 such suit must be filed within twenty (20) days after the final  
 18 order of said Board refusing to issue such permit is entered,  
 19 provided registered notice is mailed or it is otherwise shown that  
 20 said school or college has notice within ten (10) days from the  
 21 entering or making of said order.

22           (s) [~~(l)~~] In the event such school or college after a permit  
 23 is issued to it violates any of the requirements of this law,  
 24 either directly or indirectly, then said Board shall suspend or  
 25 revoke the permit of any such school or college. Before suspending  
 26 or revoking any such permit, said Board must give such school or  
 27 college a hearing, notice of which hearing shall be delivered to

such school or college at least twenty (20) days prior to the date of said hearing. If said Board suspends or revokes said permit at said hearing, then such school or college may file suit to prevent the same or to appeal from said order. Any and all suits filed hereunder shall be filed within twenty (20) days from the date of the order of said Board in any of the District Courts of Travis County, Texas, and not elsewhere, and the order shall not become effective until said twenty (20) days has expired.

(t) [~~m~~] The Attorney General or any District or County Attorney may institute any injunction proceedings or such other proceeding as to enforce the provisions of this Act, and to enjoin any barber[~~,-assistant-barber,~~] or school or college from operating without having complied with the provisions hereof, and each shall forfeit to the State of Texas the sum of Twenty-five Dollars (\$25) per day as a penalty for each day's violation, to be recovered in a suit by the District or County Attorney, and/or the Attorney General.

SECTION 11. Section 14, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. (a) Any [~~assistant-barber-who-is-at-least--sixteen and--one-half-years-of-age-and-who-has-a-diploma-showing-graduation from-a-seventh-grade-grammar-school,-or-an-equivalent-education--as determined--by-an-examination-conducted-by-the-Board,-and-who-has-a certificate-of-registration-as-an-assistant-barber-in--a--State--or country---which---has---substantially--the--same--requirements--for registration-as-an-assistant-barber-as-is-provided-for-by-this-Act,~~

1 shall-upon-payment-of-the-required-fee-be-issued-a-permit--to--work  
 2 as--an--assistant-barber-until-called-by-the-Board-of-Examiners-for  
 3 examination-to-determine-his-fitness-to-receive--a--certificate--of  
 4 registration-as-an-assistant-barber.--Should-such-person-be-able-to  
 5 pass--the--required-examination,-he-will-be-issued-a-certificate-of  
 6 registration-as-a-registered-assistant-barber,-and--that--the--time  
 7 spent--in--such-other-State-or-country-as-an-assistant-barber-shall  
 8 be-credited-upon-the-period-of-assistant-barber--required--by--this  
 9 Act--as--a--qualification--to--take-the-examination-to-determine-his  
 10 fitness-to-receive-a-certificate-of-registration--as--a--registered  
 11 barber-

12 [(b)--Any] person who holds a barber [has-spent-at-least-30  
 13 working-days-at-a-licensed-barber-school-or-college-as-a--barber's]  
 14 technician license issued by the Board may:

15 (1) perform for compensation only the practice of  
 16 barbering defined in Sections 4(b)(5), (7), (8), and (10) of this  
 17 Act; and

18 (2) practice only at a location for which the Board  
 19 has issued [including--the---study---of---shampooing,---shampoos,  
 20 manipulations,--making-appointments,-preparing-patrons,-sterilizing  
 21 tools,-and-the-study-of-sterilization-and-the-barber--laws--may--be  
 22 licensed--to--practice--as--a--barber's--technician.---Any-licensed  
 23 barber's--technician--may--assist--the--barber--in--shampooing--and  
 24 sterilizing--in] a barber shop permit [and-shall-work-under-the  
 25 personal-supervision-of-a-registered-Class-A-barber].

26 (b) An applicant for a barber technician license must be at  
 27 least 16 years of age, have completed the seventh grade or its

1 equivalent, and have completed a course of instruction of not less  
2 than 300 hours in a period of not less than eight weeks. The  
3 course must include the theory and practice of the following  
4 subjects:

5 (1) all laws governing the practice of barbering in  
6 this state;

7 (2) hygienic bacteriology;

8 (3) histology of the skin, muscles, and nerves;

9 (4) the structure of the head, neck, and face;

10 (5) elementary chemistry relating to sterilization and  
11 antiseptics;

12 (6) common disorders of the skin;

13 (7) massaging and manipulating muscles of the scalp,  
14 face, and neck;

15 (8) shampooing;

16 (9) administering facial treatments;

17 (10) preparing patrons and making appointments; and

18 (11) any other skills, techniques, services,  
19 treatments, or undertakings within the definition of the practice  
20 of barbering under Subsection (a) of this section.

21 (c) The application must be made on a form prescribed by the  
22 Board, accompanied by the \$10 administration fee. The application  
23 and fee must be filed not later than the 10th day before the date  
24 set for the examination.

25 (d) An applicant is entitled to a barber technician license  
26 if the applicant possesses the qualifications listed in Subsection  
27 (b) of this section, satisfactorily completes the examination, pays

1 a license fee not to exceed \$70, and has not committed an act that  
 2 constitutes grounds for denial of a license under this Act.

3 SECTION 12. Subsections (b) and (c), Section 15, Chapter 65,  
 4 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
 5 8407a, Vernon's Texas Civil Statutes), are amended to read as  
 6 follows:

7 (b) An applicant for a manicurist license must be at least  
 8 16 years of age, have completed the seventh grade or its  
 9 equivalent, and have completed 300 [~~150~~] hours instruction in  
 10 manicuring.

11 (c) The application shall be made on a form prescribed by  
 12 the board and a \$10 [~~\$5--manicurist~~] administration fee must  
 13 accompany the application. The application and fee shall be filed  
 14 at least 10 days prior to the date set for the examination.

15 SECTION 13. Chapter 65, Acts of the 41st Legislature, 1st  
 16 Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
 17 Statutes), is amended by adding Section 15A to read as follows:

18 Sec. 15A. (a) A person may not own, operate, or manage a  
 19 manicurist specialty shop unless the person holds a manicurist  
 20 specialty shop permit issued by the board. A person may operate  
 21 under a temporary permit issued by the board until a permanent  
 22 permit is issued.

23 (b) An applicant for a manicurist specialty shop permit must  
 24 submit a written application to the board. The application must be  
 25 accompanied by an inspection fee set by the board in an amount not  
 26 to exceed \$50. The application must include the address of the  
 27 shop, a legal description of the premises for which the permit is

1 sought, and any other information required by the board. As soon  
2 as practicable after receipt of the application and fee, the board  
3 shall issue a temporary manicurist specialty shop permit to the  
4 applicant.

5 (c) The board shall issue a permanent manicurist specialty  
6 shop permit to an applicant who holds a valid manicurist license  
7 and whose shop meets:

8 (1) the minimum health standards required by the Texas  
9 Department of Health for manicurist specialty shops, as determined  
10 by a board inspection; and

11 (2) any additional requirements imposed by board rule.

12 (d) A person who holds a manicurist specialty shop permit  
13 may maintain an establishment in which only the practice of  
14 barbering, as defined by Sections 4(b)(6) and (7) of this Act, is  
15 performed for compensation. A manicurist specialty shop may be  
16 operated only under the direction of a person who holds a valid  
17 manicurist license.

18 (e) The holder shall display the permit in a conspicuous  
19 place in the shop for which the permit is issued. A permit issued  
20 under this section is not transferable. If the ownership of a  
21 manicurist specialty shop is transferred to another person, the  
22 shop may continue in operation if the new owner applies for and  
23 obtains a new permit not later than the 30th day after the date on  
24 which ownership is transferred.

25 (f) A person who holds a license, permit, or certificate  
26 issued by the Texas Cosmetology Commission may not practice under  
27 that authority at a manicurist specialty shop regulated under this

1 Act.

2 (g) A permit issued under this section expires July 1 of  
 3 each odd-numbered year. A holder may renew the permit by  
 4 submitting a renewal application to the board, accompanied by a  
 5 renewal fee set by the board not to exceed \$50.

6 (h) A holder of a permit issued under this section may move  
 7 the manicurist specialty shop to a different location if the holder  
 8 receives board approval of the new location. The holder must  
 9 notify the board of the move not later than the 10th day before the  
 10 date on which the move is scheduled to occur.

11 SECTION 14. Section 16, Chapter 65, Acts of the 41st  
 12 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 13 Texas Civil Statutes), is amended to read as follows:

14 Sec. 16. (a) A person holding a wig specialist license  
 15 issued by the board may perform for compensation only the practice  
 16 of barbering defined in Section 4(b)(11) of this Act.

17 (b) An applicant for a wig specialist license must be at  
 18 least 16 years of age, have completed the seventh grade or its  
 19 equivalent, and have completed 300 hours of instruction in the care  
 20 and treatment of wigs.

21 (c) The application shall be made on a form prescribed by  
 22 the commission and a \$10 [~~\$5~~] administration fee must accompany the  
 23 application. The application and fee must be filed at least 10  
 24 days prior to the date set for the examination.

25 (d) The applicant is entitled to a wig specialist license if  
 26 he possesses the qualifications enumerated in Subsection (b) of  
 27 this section, satisfactorily completes the examination, pays a

license fee not to exceed \$30, and has not committed an act which constitutes grounds for revocation of a license under this Act.

~~[ (e) -- Any person who at the time this Act takes effect holds a cosmetology license or manicurist license issued by the cosmetology commission may make application for and upon paying the fee be granted a manicurist license by the barber board without examination. ]~~

SECTION 15. Section 18, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18. (a) A person may not own, operate, or manage a wig specialty shop unless the person holds a wig specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued. [A person holding a wig salon license issued by the board may maintain an establishment in which only the practice of barbering as defined in Section 4(b) (1) of this Act is performed for compensation.]

(b) An applicant for a wig specialty shop permit must submit a written application to the board. The application must be accompanied by an inspection fee set by the board in an amount not to exceed \$50. The application must include the address of the shop, a legal description of the premises for which the permit is sought, and any other information required by the board. As soon as practicable after receipt of the application and fee, the board shall issue a temporary wig specialty shop permit to the applicant.  
~~[An applicant for a wig salon license shall submit an application on a form prescribed by the board. The application shall contain~~



1 ~~proof--of--the-particular-requisites-for-a-wig-salon-as-established~~  
2 ~~by-the-board-and-shall-be-verified-by-the-applicant.]~~

3 (c) The board shall issue a permanent wig specialty shop  
4 permit to an applicant who holds a valid wig specialist license and  
5 whose shop meets:

6 (1) the minimum health standards required by the Texas  
7 Department of Health for wig specialty shops, as determined by a  
8 board inspection; and

9 (2) any additional requirements imposed by board rule.

10 (d) A person who holds a wig specialty shop permit may  
11 maintain an establishment in which only the practice of barbering,  
12 as defined by Section 4(b)(11) of this Act, is performed for  
13 compensation. A wig specialty shop may be operated only under the  
14 direction of a person who holds a valid wig specialist license.

15 (e) The holder shall display the permit in a conspicuous  
16 place in the shop for which the permit is issued. A permit issued  
17 under this section is not transferable. If the ownership of a wig  
18 specialty shop is transferred to another person, the shop may  
19 continue in operation if the new owner applies for and obtains a  
20 new permit not later than the 30th day after the date on which  
21 ownership is transferred.

22 (f) A person who holds a license, permit, or certificate  
23 issued by the Texas Cosmetology Commission may not practice under  
24 that authority at a wig specialty shop regulated under this Act.

25 (g) A permit issued under this section expires July 1 of  
26 each odd-numbered year. A holder may renew the permit by  
27 submitting a renewal application to the board, accompanied by a

1 renewal fee set by the board not to exceed \$50.

2 (h) A holder of a permit issued under this section may move  
 3 the wig specialty shop to a different location if the holder  
 4 receives board approval of the new location. The holder must  
 5 notify the board of the move not later than the 10th day before the  
 6 date on which the move is scheduled to occur. [The--applicant--is  
 7 entitled-to-a-wig-salon-license-if-the-application-shows-compliance  
 8 with--the--rules-and-regulations-of-the-board,-a-license-fee-not-to  
 9 exceed-\$50-is-paid,-and-such-applicant-has--not--committed--an--act  
 10 which--constitutes--grounds--for-revocation-of-a-license-under-this  
 11 Act.]

12 SECTION 16. Section 18.1, Chapter 65, Acts of the 41st  
 13 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 14 Texas Civil Statutes), is amended to read as follows:

15 Sec. 18.1. (a) A person holding a wig school permit  
 16 [~~license~~] issued by the board may maintain an establishment in  
 17 which only the practice of barbering as defined in Section 4(b)(11)  
 18 of this Act is taught for compensation.

19 (b) An applicant for a wig school permit [~~license~~] shall  
 20 submit an application on a form prescribed by the board. The  
 21 application shall contain proof of the particular requisites for a  
 22 wig school as established by the board and shall be verified by the  
 23 applicant.

24 (c) The applicant is entitled to a wig school permit  
 25 [~~license~~] if the application shows compliance with the rules and  
 26 regulations of the board, a \$100 permit [~~license~~] fee is paid, and  
 27 applicant has not committed an act which constitutes grounds for

1     revocation of a license or permit under this Act.

2             SECTION 17.     Section 19, Chapter 65, Acts of the 41st  
3     Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
4     Texas Civil Statutes), is amended to read as follows:

5             Sec. 19.     Every holder of a certificate of registration or  
6     license issued by the board shall display the original certificate  
7     or license, together with an attached photograph of the certificate  
8     holder or licensee, [it] in a conspicuous place adjacent to or near  
9     the certificate holder's or licensee's [his] work-chair in the shop  
10    in which the certificate holder or licensee [he] is working or  
11    employed.

12            SECTION 18.     Section 20, Chapter 65, Acts of the 41st  
13    Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
14    Texas Civil Statutes), is amended to read as follows:

15            Sec. 20.   (a) Each certificate of registration or license  
16   issued under this Act expires two years from the date of issuance.  
17   Each registered Class A barber, barber technician, teacher, wig  
18   instructor, wig specialist, manicurist, or other licensed  
19   specialist who continues in active practice or service must renew  
20   the certificate or license on or before the expiration date. The  
21   Board shall issue a renewal certificate or license on receipt of a  
22   renewal application in the form prescribed by the Board,  
23   accompanied by the renewal fee set by the Board in the amount for  
24   an original certificate or license, but not to exceed \$70. [Every  
25   registered-Class-A-barber-and-barber-technician--who--continues--in  
26   active---practice---or---service--shall--renew--his--certificate--of  
27   registration-on-or-before-November-1-of--odd-numbered--years.---The

Board--of-Barber-Examiners-shall-issue-the-renewal-certificate-upon payment-of-a--biennial--renewal--fee--not--to--exceed--\$70.---Every certificate--of--registration--which--has--not--been--renewed--prior--to that-date-shall-expire-on-November-1-of-that-year.]

(b) A Class A registered barber or other licensee, whose certificate of registration or license has expired, may, within 30 days thereafter, and not later, have his certificate of registration or license restored by applying to the Board and paying the biennial renewal fee set by the Board [upon--making--a satisfactory--showing--to--the--Board,--supported--by--his--personal affidavit,--which--in--the--opinion--of--the--Board,--will--excuse--the applicant--for--having--failed--to--renew--his--certificate--within--the time--required--by--this--Act].

(c) Any registered barber or licensee whose certificate of registration or license has been expired for not [who--retires--from the--practice--of--barbering--for--not] more than five (5) years may reinstate the [renew-his] certificate of registration or license by making proper showing to the Board, supported by his personal affidavit, which, in the opinion of the Board, would justify the Board in issuing a certificate or license to such applicant as upon an original application upon payment of a fee equal to the current amount of the original certificate or license fee, plus a delinquency fee of \$30 for each year or part of a year that the certificate or license has been expired [not--to--exceed--\$70--if--the applicant---applies--during--the--period--from--November--1--of--an odd-numbered-year--and--extending--through--October--31--of--the--following even-numbered-year--not--to--exceed--\$35--if--the--applicant--applies].

during--the--period--from--November--1-of-an-even-numbered-year-and  
extending-through-October-31-of-the-following--odd-numbered--year].

(d) Any registered barber or licensee who retires from [the]  
practice and whose certificate of registration or license has been  
expired [of-barbering] for more than five (5) years may qualify for  
a new [renew-his] certificate of registration or license by making  
application to the Board and by making proper showing to the Board,  
supported by his personal affidavit, and by paying an examination  
fee not to exceed \$70, passing a satisfactory examination conducted  
by the Board, and paying the [a--license] fee for an original  
certificate of registration or license [not-to-exceed-\$50-if-the  
applicant-fulfills-the-requirements-during-the-period-from-November  
1-of-an-odd-numbered-year-and-extending-through-October-31--of--the  
following--even-numbered-year-or-not-to-exceed-\$25-if-the-applicant  
fulfills-the-requirements-during-the-period-from-November-1--of--an  
even-numbered---year--and--extending--through--October--31--of--the  
following-odd-numbered-year].

SECTION 19. Section 20a, Chapter 65, Acts of the 41st  
Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
Texas Civil Statutes), is amended to read as follows:

Sec. 20a. Any registered barber, [registered---assistant  
barber---or] barber technician, teacher, manicurist, or wig  
specialist shall not be required to renew his certificate of  
registration while serving on active duty in the military, air or  
naval forces of the United States, and the Board shall issue a  
renewal certificate upon application and payment of a renewal fee  
within ninety (90) days from the date such registered barber,

1    [~~registered--assistant--barber,--or~~] barber technician, teacher,  
2    manicurist, or wig specialist is released or discharged from active  
3    duty in the armed forces. The renewal fee shall be:

4            (1) Ten Dollars (\$10) if the application and payment  
5    is made during the period from November 1 of an odd-numbered year  
6    and extending through October 31 of the following even-numbered  
7    year;

8            (2) Five Dollars (\$5) if the application and payment  
9    is made during the period from November 1 of an even-numbered year  
10   and extending through October 31 of the following odd-numbered  
11   year.

12           SECTION 20. Section 21, Chapter 65, Acts of the 41st  
13   Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
14   Texas Civil Statutes), is amended to read as follows:

15           Sec. 21. The board shall either refuse to issue or to renew,  
16   or shall suspend or revoke any certificate of registration or  
17   license for any one of, or a combination of the following causes:

18            (A) Gross malpractice;

19            (B) Continued practice by a person knowingly having an  
20   infectious or contagious disease;

21            (C) Advertising by means of knowingly making false or  
22   deceptive statements;

23            (D) Advertising, practicing, or attempting to practice  
24   under another's trade name or another's name;

25            (E) Habitual drunkenness or habitual addiction to the  
26   use of morphine, cocaine, or other habit-forming drugs;

27            (F) The commission of any of the offenses described in

Section 24 of this Act;

(G) No certificate or license shall be issued or renewed, unless and until each applicant shall present a health certificate from a regular practicing [~~medical~~] doctor of medicine or doctor of osteopathic medicine showing that the applicant is free from any kind of infectious or contagious diseases, tuberculosis, communicable diseases, and free from the use of any kind of morphine, cocaine, or other habit-forming drug, or a habitual drunkard and that said applicant shall make affidavit to said medical examiner that all of the said facts are true.

SECTION 21. Section 22(a), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) If a barber inspector believes that any of the grounds specified in Section 21 exist, or that the holder of a certificate, license, or permit has failed to comply with any of the requirements of this Act, he shall notify the holder of the certificate, license, or permit of that fact and summons him to appear for hearing as provided in this section. The hearing shall be had not less than twenty (20) days after notification in writing to the holder of the certificate, license, or permit, specifying the violation or non-compliance alleged. For the purpose of hearing such cases concurrent jurisdiction is vested in the county court of the county where the holder of the certificate, license, or permit resides and in the county court of the county where the violation allegedly occurred. The court may administer oaths and may issue subpoenas for the attendance of witnesses and the

1 production of relative books and papers. The holder of the  
 2 certificate, license, or permit shall have the right to be  
 3 represented by counsel. At the hearing, the board shall be  
 4 represented by the attorney general, district attorney, or county  
 5 attorney. At such a hearing the issue to be determined is whether  
 6 any grounds exist under Section 21 for denial, refusal to renew,  
 7 suspension, or revocation of the certificate, license, or permit.  
 8 The judge who presides at the hearing shall report his finding to  
 9 the board, which may, if the finding warrants, deny, suspend,  
 10 revoke, or refuse to renew the certificate, license, or permit.

11 SECTION 22. Subsections (b) and (c), Section 23, Chapter 65,  
 12 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
 13 8407a, Vernon's Texas Civil Statutes), are amended to read as  
 14 follows:

15 (b) The fees to be paid to the Board by an applicant for an  
 16 examination to determine his fitness to receive a certificate of  
 17 registration to practice barbering[~~7--to-practice-as-an-assistant~~  
 18 ~~barber,~~] or to practice as a barber technician shall be \$10.

19 (c) The fees to be paid to the Board by an applicant who has  
 20 satisfactorily passed the examination and complied with the other  
 21 provisions of this Act to receive a certificate of registration to  
 22 practice barbering[~~7--to-practice-as-an--assistant--barber,~~] or to  
 23 practice as a barber technician shall be set by the Board in an  
 24 amount not to exceed \$70[

25 [~~1)--an-amount-not-to-exceed--\$70--if--the--applicant~~  
 26 ~~fulfills--the--requirements-during-the-period-from-November-1-of-an~~  
 27 ~~odd-numbered-year-and-extending-through-October-31-of-the-following~~



even-numbered-year, or

[~~(2)~~--an amount not to exceed--\$35--if--the--applicant fulfills--the--requirements--during--the--period--from--November--1--of--an even-numbered--year--and--extending--through--October--31--of--the following-odd-numbered-year].

SECTION 23. Section 24, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 24. Each of the following offenses shall constitute a misdemeanor punishable upon conviction in a court of competent jurisdiction by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

(A) The violation of any of the provisions of Sections 1, 2, or 3~~[7-and-5]~~ of this Act;

(B) Permitting any person in one's employ, supervision, or control to practice as a barber or other licensee ~~[as--an--assistant--barber,]~~ unless that person has a current certificate of registration or license issued by the board;

(C) Obtaining or attempting to obtain a certificate of registration or license by fraudulent representation;

(C-1) For anyone who owns, operates or manages a barber school or college to work a chair or to permit teachers, student teachers ~~[instructors]~~, ~~[licensed-barbers]~~ or anyone ~~[any one]~~ other than an enrolled student to render barbering services to the public in their said establishment;

(D) The willful failure to display a certificate of registration or license as required by Section 19 of this Act.

SECTION 24. Section 27, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. (a) The State Board of Barber Examiners shall elect one of its members as president, and shall select an executive director [~~elect a secretary~~] and such other employees, as may be necessary, to carry out the provisions of this Act [~~and House--Bill--No--104,--Chapter--65,---Acts---of---the---Forty-first Legislature,--First-Called-Session,--as-amended,]~~ and provide for the compensation of the executive director [~~such secretary~~] and other employees. Said Board shall maintain its office in the [~~State Office--Building--in--the~~] City of Austin, Texas, and shall adopt rules and regulations for the transaction of the business herein provided for, including a common seal for the authentication of its orders, certificates and records. The executive director [~~secretary~~] shall keep a record of all proceedings of the Board and shall be the custodian of all such records and shall receive and receipt for all money collected by the Board. All money so received shall be immediately deposited with the State Treasurer, who shall credit same to a special fund to be known as "State Board of Barber Examiners Fund," which money shall be drawn from said special fund upon claims made therefor by the Board to the Comptroller; and if found correct, to be approved by him and vouchers issued therefor, and countersigned and paid by the State Treasurer, which special fund is [~~hereby appropriated~~] for the purpose of carrying out all the provisions of this Act. Annually at the close of business on August 31st of each year, a complete

1 report of the business transaction by the Board showing all  
2 receipts and disbursements shall be made by the Board to the  
3 Governor of the State of Texas. The State Auditor shall audit the  
4 financial transactions of the Board at least once every two fiscal  
5 years.

6 (b) The executive director [~~secretary~~] shall give a surety  
7 bond, payable to the State of Texas in the sum of Five Thousand  
8 Dollars (\$5,000), conditioned for the faithful performances of the  
9 [~~his~~] duties as executive director [~~secretary~~], to be approved by  
10 the Board and filed with the State Comptroller. A majority of the  
11 Board in meetings duly assembled may perform and exercise all the  
12 duties and powers devolving upon the Board.

13 (c) The compensation of the members of the Board shall be a  
14 per diem as set by the General Appropriations Act, and in addition  
15 to the per diem provided for herein, they shall be entitled to  
16 traveling expenses in accordance with the appropriate provisions of  
17 the General Appropriations Act. Each Board member shall make out,  
18 under oath, a complete itemized statement of the number of days  
19 engaged and the amount of his expenses when presenting same for  
20 payment.

21 SECTION 25. Section 27a(a), Chapter 65, Acts of the 41st  
22 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
23 Texas Civil Statutes), is amended to read as follows:

24 (a) No barber inspector or other employee of the State Board  
25 of Barber Examiners may sell barber supplies or engage in any other  
26 business which deals directly with barbers, barber shops, specialty  
27 shops, or barber schools except that he may engage in the practice

of barbering.

SECTION 26. Section 28(a), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Texas [State] Board of Health shall make, establish and promulgate reasonable sanitary rules and regulations for the conduct of barber shops, specialty shops, and barber schools. The State Board of Barber Examiners, by and through the Texas Department of Health [~~Health--Department-of-the-State-of-Texas~~], shall have authority, and it is made its duty to enter upon the premises of all barber shops, specialty shops, barber schools or any place where any of its certificate holders or licensees are practicing or performing any service, act or treatment by authority of any certificate or license issued by the board and inspect same at any time during business hours. A copy of such sanitary rules and regulations adopted by the Texas Board of Health shall be furnished to the executive director [~~Secretary~~] of the State Board of Barber Examiners who shall in turn forward to each barber, barber school or licensee of the board a copy of such rules and regulations. A copy of the sanitary rules and regulations promulgated and adopted by the Texas [State] Board of Health shall be posted in barber shops, specialty shops, and barber schools in this State. Subject only to the authority of the Texas [State] Board of Health to make and promulgate reasonable rules and regulations as to sanitation, the State Board of Barber Examiners shall have full authority and power to make and enforce all rules and regulations necessary for the performance of its duties, to

1 establish standards of conduct and ethics for all persons licensed  
2 or practicing under the provisions of this Act, and to regulate the  
3 practice and teaching of barbering in all of its particulars in  
4 keeping with the purposes and intent of this Act or to insure  
5 strict compliance with and enforcement of this Act.

6 SECTION 27. Section 29, Chapter 65, Acts of the 41st  
7 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
8 Texas Civil Statutes), is amended to read as follows:

9 Sec. 29. The Board shall keep a record of its proceedings  
10 relating to the issuance, refusal, renewal, suspension, and  
11 revocation of certificates of registration, licenses, or permits.  
12 This record shall also contain the name, place of business, and  
13 residence of each registered barber, licensee, or permittee [~~and~~  
14 ~~registered--assistant--barber~~], and the date and number of his  
15 certificate of registration, license, or permit. This record shall  
16 be open to public inspection at all reasonable times.

17 SECTION 28. Section 29A, Chapter 65, Acts of the 41st  
18 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
19 Texas Civil Statutes), is amended to read as follows:

20 Sec. 29A. (a) The State Board of Barber Examiners shall  
21 keep an information file about each complaint filed with the board  
22 relating to licensees, permittees, or certificate holders under  
23 this Act.

24 (b) If a written complaint is filed with the State Board of  
25 Barber Examiners relating to a licensee, permittee, or certificate  
26 holder under this Act, the board, at least as frequently as  
27 quarterly, shall notify the complainant of the status of the

1 complaint until the complaint is finally resolved.

2 SECTION 29. Chapter 65, Acts of the 41st Legislature, 1st  
3 Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
4 Statutes), is amended by adding Section 29E to read as follows:

5 Sec. 29E. A barber shop, specialty shop, or barber school  
6 permit that has been expired for more than 30 days may be renewed  
7 by filing a renewal application with the board, accompanied by the  
8 regular renewal fee, and a delinquency fee of \$30 for each year or  
9 part of a year that the permit has been expired.

10 SECTION 30. (a) This Act takes effect September 1, 1989.

11 (b) This Act applies only to a license, certificate, or  
12 permit issued or renewed by the State Board of Barber Examiners on  
13 or after September 1, 1989. A license, certificate, or permit  
14 issued or renewed before that date is covered by the law in effect  
15 on the date that the license, certificate, or permit was issued or  
16 renewed, and the prior law is continued in effect for this purpose.

17 (c) A person who on the effective date of this Act holds a  
18 cosmetology license or manicurist license issued by the Texas  
19 Cosmetology Commission is entitled to a manicurist license issued  
20 by the State Board of Barber Examiners on application to that  
21 board.

22 SECTION 31. The importance of this legislation and the  
23 crowded condition of the calendars in both houses create an  
24 emergency and an imperative public necessity that the  
25 constitutional rule requiring bills to be read on three several  
26 days in each house be suspended, and this rule is hereby suspended.

H.B. No. 460

COMMITTEE AMENDMENT NO. 1

Amends H.B. 460 as follows:

On page 4, line 14, delete "boiled and".

Park

COMMITTEE AMENDMENT NO. 2

Amends H.B. 460 as follows:

On page 4, line 23, delete "washed and boiled" and insert "laundered".

Park

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

3-13-89  
(date)

Sir:

We, your COMMITTEE ON PUBLIC HEALTH,

to whom was referred H.B. 460 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it

( ) do pass, without amendment.  
(X) do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X)yes ( ) no                      An actuarial analysis was requested. ( ) yes (X) no

An author's fiscal statement was requested. ( ) yes (X) no

A criminal justice policy impact statement was prepared. ( ) yes (X) no

A water development policy impact statement was requested. ( ) yes (X)no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, ( ) Consent, or ( ) Resolutions Calendar.

This measure ( ) proposes new law. (X) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wright, Ch.	X			
Clemons, V.C.				X
Madla, C.B.O.				X
Harris	X			
Hilderbran	X			
McDonald	X			
Park				X
Schoolcraft				X
Rodriguez	X			

Total  
5 \_\_\_\_\_ aye  
0 \_\_\_\_\_ nay  
0 \_\_\_\_\_ present, not voting  
4 \_\_\_\_\_ absent

Brad Wright  
CHAIRMAN  
Deborah K. Wall  
COMMITTEE COORDINATOR



## BILL ANALYSIS

BACKGROUND

Under current Texas law, the State Board of Barber Examiners regulates the barber profession in Texas.

PURPOSE

H.B. 460 amends existing law governing the practice of barbering to reflect changes and trends in the barber profession, and proposes renewal provisions for specialty licenses and shop permits in combination with penalties for later renewals of all licenses and permits.

SECTION BY SECTION ANALYSIS

SECTION 1: Amends Subsections (a) and (b), Article 8402, Revised Statutes, as follows:

(a) Requires persons, firms, or corporations managing specialty shops to register with and submit an application for the appropriate permit to the State Board of Barber Examiners (Board), and to hold a permit for the shop.

(b) Requires a person licensed by the Board to practice in the location for which a specialty shop permit has been issued. The Board is prohibited from adopting rules restricting a manicurist or a wig specialist from practice in a facility licensed jointly with the Texas Cosmetology Commission.

SECTION 2: Amends Article 8403, Revised Statutes, by requiring owners or operators of specialty shops and barber schools to properly equip the facilities.

SECTION 3: Amends Article 8404, Revised Statutes, by prohibiting owners or operators of specialty shops and barber schools from knowingly permitting a person with a communicable skin disease or venereal disease from acting as a barber or employee.

SECTION 4: Amends Article 8405, Revised Statutes, to require persons operating specialty shops and barber schools to keep the facility and supplies clean. Requires the use of a sanitized towel and prohibits the use of a hair duster when providing services to a customer. Prohibits an animal from being in a shop or school, unless the animal is a dog assisting a handicapped person, or is used for security purposes.

SECTION 5: Amends Article 8406, Revised Statutes, as follows:

(a) Prohibits the use of specialty shops and barber schools as sleeping quarters.

(b) Requires a barber shop, specialty shop, or barber school to be separated by a solid wall from any business other than a beauty salon or shoe shine enterprise.

SECTION 6: Amends Section 2, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes) by including "specialty shop" among the definition of those that must be duly licensed and registered in order to practice barbering.

SECTION 7: Amends Section 4, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by adding the definitions of "manicurist specialty shop," and "wig specialty shop" to this section.

SECTION 8: Amends Section 6, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by exempting "doctor of medicine, doctor of osteopathic medicine" and "nurse" to the provisions of this section.

SECTION 9: Amends Section 7, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), to reduce the minimum age to 16 at which a person may be a licensed Class A Barber.

SECTION 10: Amends Section 9, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), as follows:

(b) Requires applicants to be students to submit an application to the Board with a nonrefundable fee of up to \$25.

(c) Prohibits the Board from approving a barber college or school unless the college or school requires certain specified hours of instruction.

(d) Requires a barber college or school which offers a refresher course to require at least 300 hours of instruction, and requires the Board to set by rule the curriculum for a refresher course.

(e) Requires a barber school or college to submit a monthly progress report to the Board regarding each attending student, and to contain certain specified information. Requires the college or school to certify to the Board that a student has completed the required number of hours and is eligible for examination.

(f) Requires a barber school or college to instruct students in the theory and practice of all laws governing the practice of barbering in Texas.

(i) Requires barber classes to devote a minimum of 5 hours a week to the instruction in theory.

(j) Requires a barber school supervisor to have completed 1,000 hours of instruction in a postgraduate course as a student teacher in a barber school or college.

(k) Authorizes a licensed barber with five years experience, two years occurring in the period immediately before application, to apply to take the examination for teaching certification.

(l) Authorizes a barber school to enroll one student teacher for each licensed teacher, and requires the student teacher to concentrate on teaching skills, with violation of this requirement resulting in grounds for revocation of the student teacher's license.

(n) Provides that a barber college or school that is not approved by the Board on initial inspection is subject to reinspection, and requires the Board to set a reinspection fee in an amount up to \$500.

(o) Changes school or college "certificate" to "permit."

(p) The Board shall be notified of barber school or college ownership changes not later than the 10th day of the effective change.

SECTION 11: Amends Section 14, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), as follows:

(a) Requires a person who holds a barber technician license to perform only certain specified practices in a specific location.

(b) Requires an applicant for barber technician license to meet certain age and practice requirements.

(c) Requires the application to be on a form prescribed by the Board, accompanied by a \$10 administration fee, and filed at least 10 days before the examination.

(d) Provides that an applicant is entitled to a barber technician license if the applicant meets the requirements of this section, and pays a license fee of up to \$70.

SECTION 12: Amends Subsections (b) and (c), Section 15, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by increasing the application

fee to \$10, and the hours of instruction required to 300 for licensing as a manicurist.

SECTION 13: Amends Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by adding Section 15A, as follows:

Sec. 15A. (a) Prohibits a person from owning, operating, or managing a manicurist specialty shop unless the person holds a manicurist specialty shop permit issued by the Board. Authorizes a person to operate under a temporary permit until a permanent permit is issued.

(b) Requires an applicant for a manicurist specialty shop permit to submit a written application to the Board, accompanied by an inspection fee in an amount set by the Board, not to exceed \$50. Requires the application to contain certain information.

(c) Requires the Board to issue a permanent manicurist specialty shop permit to an applicant who holds a valid manicurist license and whose shop meets minimum health standards.

(d) Provides that a manicurist specialty shop may be operated only under the direction of a person who holds a valid manicurist license.

(e) Requires the permit to be displayed in the shop and prohibits the transfer of the permit.

(f) Prohibits a person holding a license, permit, or certificate from the Texas Cosmetology Commission from practicing under that authority at a manicurist specialty shop regulated under this Act.

(g) Provides that a permit expires on July 1 of each odd-numbered year, and authorizes the holder to renew the permit by submitting an application and fee of up to \$50.

(h) Authorizes a permit holder to relocate the manicurist specialty shop with Board approval.

SECTION 14: Amends Section 16, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), to increase the amount of the application fee for a wig specialist license to \$10.

SECTION 15: Amends Section 18, Chapter 65, 41st legislature, 1929 (Article 8407a, V.T.C.S.), as follows:

(a) Prohibits operation of a wig specialty shop unless the operator holds a wig specialty shop permit, and authorizes operation under a temporary permit.

(b) Requires an applicant for a permit to submit a written application to the Board accompanied by an inspection fee set by the Board. Requires the application to include certain information and requires the Board to issue a permit as soon as practicable.

(c) Requires the Board to issue a permit to an applicant who holds a valid license, and meets minimum health standards.

(d) Requires a wig specialty shop to be operated under the direction of a person who holds a valid wig specialist license.

(e) Requires a permit holder to display the permit in the shop, and prohibits the transfer of the permit.

(f) Prohibits a person who holds a license, permit, or certificate issued by the Texas Cosmetology Commission from practicing under that authority at a wig specialty shop regulated under this Act.

(g) Provides that a permit issued under this section expires on July 1 of each odd-numbered year, and authorizes the renewal of the permit by submitting an application and fee of up to \$50.

(h) Authorizes a permit holder to relocate the wig specialty shop with Board approval.

SECTION 16: Amends Section 18.1, Chapter 65, 41st legislature, 1929 (Article 8407a, V.T.C.S.), to change wig school "license" to "permit."

SECTION 17: Amends Section 19, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by requiring licensees to display the original certificate or license with the licensee's photograph in a conspicuous place.

SECTION 18: Amends Section 20, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), as follows:

(a) Provides for the expiration of certificate or licenses issued under this Act. Requires each licensed party to renew the certificate or license by the expiration date, and requires the Board to issue a renewal certificate or license upon receipt of an application and fee.

(b) Provides for the restoration of an expired license, with the biennial renewal fee set by the Board.

(c) Provides for the renewal of licenses which have been expired for less than 5 years, requiring a delinquency fee of \$30 for each year of expiration.

(d) Provides for the renewal of licenses which have been expired for more than 5 years, requiring a fee for original certificate of registration or license.

SECTION 19: Amends Section 20a, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), to include teacher, manicurist, or wig specialist to those not required to renew certification while serving in the military, air, or naval forces of the United States.

SECTION 20: Amends Section 21, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by allowing a doctor "of medicine or doctor of osteopathic medicine" to issue a health certificate to reinstate an applicant whose license has been revoked or has not been renewed, for reasons provided in this section.

SECTION 21: Amends Section 22(a), Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), to make conforming changes in the language.

SECTION 22: Amends Subsections (b) and (c), Section 23, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), to require the Board to set the amount of the fee to be paid by an applicant for certification as a barber in an amount of up to \$70.

SECTION 23: Amends Section 24, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by prohibiting the operator of a barber school or college from allowing a student teacher or anyone other than an enrolled student to provide services to the public.

SECTION 24: Amends Section 27, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by renaming "secretary" as "executive director" on the Board.

SECTION 25: Amends Section 27a(a), Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by adding "specialty shops" to those which may sell barber supplies or engage in business which deals directly with barbers.

SECTION 26: Amends Section 28(a), Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), to make conforming changes in the language.

SECTION 27: Amends Section 29, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by adding "licenses, or permits" to the record of proceedings relating to licensure kept by the Board.

SECTION 28: Amends Section 29A, Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by adding "permittee, or certificate holder" to be included in the records relating to complaints kept by the Board.

SECTION 29: Amends Chapter 65, 41st Legislature, 1929 (Article 8407a, V.T.C.S.), by adding Section 29E, to provide for the renewal of a license,

permit, or certificate of a school or college which has been expired for more than 30 days, requiring a \$30 delinquency fee for each year of expiration.

SECTION 30: The effective date is September 1, 1989. All licenses, certificates, or permits issued or renewed prior to September 1, 1989 shall be covered by existing law.

SECTION 31: Emergency clause.

#### RULEMAKING AUTHORITY

It is the Committee's opinion that rulemaking authority is granted to the State Board of Barber Examiners under Section 10 (d), allowing the Board to set the curriculum for a refresher course at a barber school or college.

#### Summary of Committee Action

Public notice was posted in accordance to the rules and a public hearing was held on February 20, 1989. The following persons testified in support: Eddie Lane, State Barber Board; Jo King McCrorey, Board of Barber Examiners. The following persons wished to be shown in support: Edward Borkland, Barber; Alvin Glick, Board of Barber Examiners; William Maddox, State Barber Board.

The bill was referred to a subcommittee consisting of the following members: Park-Chair, Schoolcraft, and Rodriguez. On February 28, 1989, the subcommittee met in a formal meeting and voted to report the measure with amendments with the recommendation that it do pass by a record vote of 2 ayes, 0 nays, 0 present not voting, and 1 absent.

On March 13, 1989, the full Committee voted to report H.B. 460 to the House with amendments with the recommendation that it do pass by a record vote of 5 ayes, 0 nays, 0 present not voting, and 4 absent.

Public Health Committee  
JPL

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 20, 1989

TO: Honorable Brad Wright, Chair  
Committee on Public Health  
House of Representatives  
Austin, Texas

In Re: House Bill No. 460  
By: Eckels

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 460 (relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would allow the agency to charge a barber or licensee, where certificate of registration or license has been expired for not more than five years, a delinquency fee for each year or part of a year that the certificate has been expired.

The bill would allow the agency to charge an application fee for a student enrolling at a barber school. Also, should that student transfer or reenroll, an additional fee could be charged.

A school that does not pass its initial compliance inspection, as a prerequisite for issuance of a school permit, could be charged a reinspection fee.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Revenue Gain to the Barber Examiners Fund No. 40</u>	<u>Probable Cost of the Barber Examiners Fund No. 40</u>	<u>Change in Number of State Employees from FY 1989</u>
1990	\$97,000	\$51,232	+ 1
1991	80,000	39,832	+ 1
1992	80,000	39,832	+ 1
1993	80,000	39,832	+ 1
1994	80,000	39,832	+ 1

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: State Board of Barber Examiners; Cosmetology Commission;  
LBB Staff: JO, JWH, AL, ML, LV

Amendment

①

by Eckels

Amend House Bill 460 Section 11, page 22, line 15 through 17 to read:

✓ (1) perform for compensation only the practice of barbering  
defined in Sections 4(b), (4), (5), (7), (8), and (10) of this  
Act; and

**ADOPTED**

APR 10 1989

*Betty Murray*  
Chief Clerk  
House of Representatives

(2)

COMMITTEE AMENDMENT 1

BY Parb

Amends H.B. 460 as follows:

On page 4, line 14, delete "boiled and"

**ADOPTED**

APR 10 1989

*Betty Moseley*  
Chief Clerk  
House of Representatives



3

COMMITTEE AMENDMENT

2

BY

Parb

Amends H.B. 460 as follows:

On page 4, line 23, delete "washed and boiled" and insert  
"laundered"

**ADOPTED**

APR 10 1989

*Betty Mossy*  
Chief Clerk  
House of Representatives

66 APR 10 PM 10:29  
HOUSE OF REPRESENTATIVES

ENGROSSED  
SECOND READING

By Eckels

H.B. No. 460

A BILL TO BE ENTITLED

AN ACT

relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Article 8402, Revised Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or managing a barber shop or specialty shop shall register his full name and the location of said shop with the State Board of Barber Examiners and must hold a permit for that shop. An applicant for a barber shop permit or specialty shop permit must~~[---Each-owner, operator-or-manager-of-a-barber--shop--that--is--first--opened--for business--hereafter--shall--within--three-days-after-the-opening-of such-shop]~~ submit an application to the barber board for the appropriate ~~[a-barber-shop]~~ permit.

(b) In order that the public may fix responsibility for services, acts, or treatments performed by persons licensed by the State Board of Barber Examiners vis-a-vis those performed by persons licensed by the Texas Cosmetology Commission, to promote the efficient and orderly administration of laws regulating barbers and the practice of barbering and the laws regulating cosmetologists and the practice of cosmetology and to avoid confusion of the public as well as avoiding conflicts of jurisdiction between such board and commission which might impede

1 effective administration or enforcement of the laws under their  
2 respective jurisdictions[~~7--from-and-after-January-31--1980~~]:

3 (1) a person licensed by the barber board may practice  
4 [~~barbering~~] only at a location for which the board has issued a  
5 barber shop permit, specialty shop permit, barber school or college  
6 permit, or any other permit. If the State Board of Barber  
7 Examiners and the Texas Cosmetology Commission license the same  
8 facility, the board may not adopt rules restricting or prohibiting  
9 the practice by a Class A barber, manicurist, or wig specialist in  
10 the facility; and

11 (2) a person licensed by the cosmetology commission  
12 may practice cosmetology only at a location for which the  
13 commission has issued a beauty shop license, private beauty culture  
14 school license, or any other license. If the State Board of Barber  
15 Examiners and the Texas Cosmetology Commission license the same  
16 facility, the commission may not adopt rules restricting or  
17 prohibiting the practice by a cosmetologist in the facility.

18 SECTION 2. Article 8403, Revised Statutes, is amended to  
19 read as follows:

20 Art. 8403. EQUIPMENT. The owner, operator or manager of any  
21 barber shop, specialty shop, or barber school [~~or--beauty--parlor~~]  
22 shall equip and keep equipped the same with facilities and supplies  
23 and with all such appliances, furnishings and materials as may be  
24 necessary to enable persons employed in and about the same to  
25 comply with the law.

26 SECTION 3. Article 8404, Revised Statutes, is amended to  
27 read as follows:

Art. 8404. EMPLOYEE [~~EMPLOYEE~~] WITH DISEASE. No owner, operator or manager of a barber shop, specialty shop, or barber school [~~or-a-beauty--parlor~~] shall knowingly permit any person suffering from a communicable skin disease or from a venereal disease to act as a barber or employee [~~employee~~] or work or be employed in the [~~said~~] shop or school [~~parlor~~]. No person who to his own knowledge is suffering from a communicable disease or from venereal disease shall act as a barber or work or be employed in a [~~said~~] shop or school [~~parlor~~].

SECTION 4. Article 8405, Revised Statutes, is amended to read as follows:

Art. 8405. CLEANLINESS. Every person in charge of a barber shop, specialty shop, or barber school [~~beauty-parlor~~] shall keep the [~~said~~] shop or school [~~parlor~~] and all furniture, tools, appliances and other equipment used therein at all times in a clean [~~cleanly~~] condition, and shall cause all combs, hair brushes, [~~hair~~ dusters] and similar articles used therein to be washed thoroughly at least once a day and to be kept clean at all times, and shall cause all mugs, shaving brushes, razors, shears, scissors, clippers and tweezers used therein to be sterilized at least once after each time used as hereinafter provided. The term "persons affected by this chapter" shall include any person working or employed in a barber shop, specialty shop, or barber school [~~beauty--parlor~~] or acting as a barber, wig [~~beauty~~] specialist, or manicurist. Every barber or other person affected by this chapter, immediately after using a mug, shaving brush, razor, scissors, shears, clippers, or tweezers, for the service of any person, shall sterilize the same

1 by immersing it in boiling water for not less than a minute, or in  
2 the case of a razor, scissors, shears or tweezers, by immersing it  
3 for not less than ten minutes in a five per cent aqueous solution  
4 of carbolic acid. No barber or other person affected by this  
5 chapter shall:

6 1. Use for the service of any customer a comb, hair  
7 brush, [~~hair-duster~~] or any similar article that is not thoroughly  
8 clean, nor any mug, shaving brush, razor, shears, scissors,  
9 clippers, or tweezers, that are not thoroughly clean or that have  
10 not been sterilized since last used.

11 2. Serve any customer unless he shall immediately  
12 before such service cleanse his hands thoroughly.

13 3. Use for the service of a customer any towel or wash  
14 cloth that has not been [~~boiled-and~~] laundered since last used.

15 4. To stop the flow of blood use the same piece of  
16 alum or other material for more than one person.

17 5. Shave any person when the surface to be shaved is  
18 inflamed or broken out or contains pus[~~7--unless--such--person--be~~  
19 ~~provided--with--a--cup,--razor--and-lather-brush-for-his-individual~~  
20 ~~use~~].

21 6. Permit any person to use the head rest of any  
22 barber's chair under his control until after the head rest has been  
23 covered with a towel that has been laundered [~~washed-and-boiled~~]  
24 since having been used before, or by clean new paper or similar  
25 clean substance.

26 7. Use a powder puff or a sponge in the service of a  
27 customer unless it has been sterilized since last used.

1           8. Use a finger bowl unless it has been sterilized  
2 since last used and fresh water or other liquid placed therein.

3           9. Serve a customer without the use of a sanitized  
4 neck strip, cloth towel, or paper towel between the customer and  
5 the chair cloth.

6           10. Bring an animal into a shop or school, or allow an  
7 animal to remain in a shop or school, unless the animal is a  
8 trained dog used to assist a handicapped person or is a dog used as  
9 a guard dog for security purposes.

10           11. Use a hair duster in providing services for any  
11 customer.

12           SECTION 5. Article 8406, Revised Statutes, is amended to  
13 read as follows:

14           Art. 8406. CERTAIN OTHER USES PROHIBITED; EXCEPTION [NO  
15 PLACE--TO--SLEEP]. (a) No owner or manager of any barber shop,  
16 specialty shop, or barber school [~~beauty-parlor~~] shall permit any  
17 person to sleep in any room used wholly or in part as such shop or  
18 school [~~parlor~~], and no person shall pursue the barber business or  
19 be employed in a barber shop, specialty shop, or barber school  
20 [~~beauty--parlor~~] in any room used as [a] sleeping quarters  
21 [~~apartment~~].

22           (b) If located in the same building with any business other  
23 than a beauty salon, a barber shop, specialty shop, or barber  
24 school must be separated from the other business by a solid wall  
25 and must have a separate entrance. This subsection does not  
26 prohibit the operation of a shoe shine enterprise on the premises  
27 of a barber shop, specialty shop, or barber school.

1           SECTION 6.   Section 2, Chapter 65, Acts of the 41st  
2   Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
3   Texas Civil Statutes), is amended to read as follows:

4           Sec. 2.   ~~Unless [From-and-after-the-effective--date--of--this~~  
5   ~~Act,--unless]~~ duly licensed and registered in accordance with all  
6   laws of this state regulating the practice of barbering, no person  
7   shall:

8                   (a) practice, continue to practice, offer, or attempt  
9   to practice barbering or any part thereof;

10                  (b) directly or indirectly, employ, use, cause to be  
11   used, or make use of any of the following terms or any  
12   combinations, variations, or abbreviations thereof, as a  
13   professional, business, or commercial identification, title, name,  
14   representation, claim, asset, or means of advantage or benefit:  
15   "barber," "barbering," "barber school," "barber college," "barber  
16   shop," "barber salon," or "specialty shop"; or

17                  (c) directly or indirectly, employ, use, cause to be  
18   used, or make use of any letter, abbreviation, word, symbol,  
19   slogan, sign, or any combination or variation thereof, which in any  
20   manner whatsoever tends or is likely to create any impression with  
21   the public or any member thereof that any person is qualified or  
22   authorized to practice barbering or own or manage any barber shop,  
23   specialty shop, or barber school or college.

24           SECTION 7.   Section 4, Chapter 65, Acts of the 41st  
25   Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
26   Texas Civil Statutes), is amended to read as follows:

27           Sec. 4.   ~~[DEFINITIONS.]~~ In this Act, unless the context

1 otherwise requires:

2 (a) "barber" shall mean any person who performs,  
3 offers, or attempts to perform any act of barbering, professes to  
4 do barbering or to be engaged in the practice thereof, or who  
5 directly or indirectly or in any manner whatsoever advertises or  
6 holds himself out as a barber or as authorized to practice  
7 barbering;

8 (b) "barbering," "practicing barbering," or the  
9 "practice of barbering" shall mean the performing or doing, or  
10 offering or attempting to do or perform, any, all or any  
11 combination of the following acts, services, works, treatments, or  
12 undertakings:

13 (1) arranging, beautifying, coloring,  
14 processing, shaving, styling, or trimming the mustache or beard by  
15 any means or method;

16 (2) arranging, beautifying, bleaching,  
17 cleansing, coloring, curling, dressing, dyeing, processing,  
18 shampooing, shaping, singeing, straightening, styling, tinting,  
19 waving, or otherwise treating the hair as primary services,  
20 treatments, or undertakings by any means or method, including any  
21 bobbing, clipping, cutting, or trimming of the hair as a necessary  
22 incident preparatory or ancillary to such primary services;

23 (3) cutting the hair as a primary service,  
24 treatment, or undertaking and not as a necessary incident  
25 preparatory or ancillary to those primary services enumerated in  
26 Section 4(b)(2), or primarily engaging in the occupation of cutting  
27 hair or practicing primarily as a haircutter by cutting hair as a



1 separate and independent service, treatment, or undertaking for  
2 which haircut a charge is made, as such, separate and apart from  
3 any other service, treatment, or undertaking, directly or  
4 indirectly, or in any manner whatsoever;

5 (4) cleansing, stimulating, or massaging the  
6 scalp, face, neck, arms, or shoulders[~~7--er--that-part-of-the-body~~  
7 ~~above-the-shoulders,~~] by means of the hands, devices, apparatuses,  
8 or appliances, with or without the use of cosmetic preparations,  
9 antiseptics, tonics, lotions, or creams;

10 (5) beautifying the face, neck, arms, or  
11 shoulders[~~7--er--that-part-of-the-body-above-the-shoulders,~~] by the  
12 use of cosmetic preparations, antiseptics, tonics, lotions,  
13 powders, oils, clays, creams, or appliances;

14 (6) cutting, trimming, polishing, tinting,  
15 coloring, cleansing, [~~er~~] manicuring, or pedicuring the nails of  
16 any person or attaching false nails;

17 (7) massaging, cleansing, treating, or  
18 beautifying the hands of any person;

19 (8) administering facial treatments;

20 (9) hair weaving;

21 (10) shampooing or conditioning hair;

22 (11) servicing a wig, toupee, or artificial  
23 hairpiece on a human head or on a block, subsequent to the initial  
24 retail sale by any of the acts, services, works, treatments, or  
25 undertakings enumerated in Section 4(b)(2) of this Act;

26 (12) advertising or holding out to the public by  
27 any manner whatsoever that any person is a barber or authorized to

1 practice barbering;

2 (13) advertising or holding out to the public by  
3 any manner whatsoever that any location or place of business is a  
4 barber shop, specialty shop, barber school, barber college, or  
5 barber salon;

6 (14) receiving any fee, salary, compensation, or  
7 financial benefit, or the promise of any fee, salary, compensation,  
8 or financial benefit, for performing, doing, offering, or  
9 attempting to perform or do any act, work, service, or thing, which  
10 is any part of the practice of barbering as herein defined;

11 (c) "barber shop" or "barber salon" shall mean any  
12 place where barbering is practiced, offered, or attempted to be  
13 practiced except when such place is duly licensed as a barber  
14 school or college;

15 (d) "board" shall mean the State Board of Barber  
16 Examiners as established and provided for in the Texas Barber Law;

17 (e) "certificate" shall mean a certificate of  
18 registration issued by the board in accordance with the provisions  
19 of this Act;

20 (f) "license" shall mean any license issued by the  
21 board in accordance with the provisions of this Act;

22 (g) "manager" shall mean any person who controls or  
23 directs the business affairs of a barber shop or directs the work  
24 of a person employed in a barber shop or both;

25 (h) "manicurist specialty shop" shall mean any place  
26 where only the practice of barbering as defined by Sections 4(b)(6)  
27 and (7) of this Act is performed for compensation;

(i) "permit" shall mean any permit issued by the board in accordance with the provisions of this Act;

(j) ~~[(i)]~~ "person" shall mean any individual, association, firm, corporation, partnership, or other legal entity;

(k) "specialty shop" shall mean a manicurist specialty shop or a wig specialty shop;

(l) "wig specialty shop" shall mean any place where only the practice of barbering as defined by Section 4(b)(11) of this Act is performed for compensation.

(m) ~~[(j)]~~ In addition to the foregoing definitions, the board shall have authority to define by rule any words or terms necessary in the administration or enforcement of this Act.

SECTION 8. Section 6, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. ~~[EXEMPTIONS-]~~ The following persons shall be exempt from the provisions of this Act, provided such persons are not represented, advertised, or held out to the public, directly or indirectly, or in any manner whatsoever, as barbers, journeymen barbers, barber technicians, or under any name, title, or designation indicating such person is authorized to practice by authority of any license or permit issued by the board:

(a) a doctor of medicine, doctor of osteopathic medicine, or ~~[physicians,--osteopaths,--and]~~ registered nurse ~~[nurses]~~ licensed and regulated by the State of Texas while operating within the scope of that person's license;

(b) commissioned or authorized medical or surgical

1 officers of the United States Army, Navy, or Marine Hospital  
2 Service;

3 (c) persons licensed or practicing by authority of the  
4 Texas Cosmetology Commission under the provisions of Chapter 1036,  
5 Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
6 Vernon's Texas Civil Statutes), so long as such persons practice  
7 within the scope of the license or permit duly issued by the Texas  
8 Cosmetology Commission.

9 SECTION 9. Section 7, Chapter 65, Acts of the 41st  
10 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
11 Texas Civil Statutes), is amended to read as follows:

12 Sec. 7. The following shall be considered as minimum  
13 evidence satisfactory to the board that an applicant is qualified  
14 for registration as a Class A registered barber:

15 (a) being at least 16 [~~16-1/2~~] years of age;

16 (b) successfully passing a written and practical  
17 examination demonstrating to the satisfaction of the board the  
18 applicant's fitness and competence to practice the art and science  
19 of barbering.

20 SECTION 10. Section 9, Chapter 65, Acts of the 41st  
21 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
22 Texas Civil Statutes), is amended to read as follows:

23 Sec. 9. (a) Any person desiring to conduct or operate a  
24 barber school or college in this state shall first obtain a permit  
25 from the board after demonstrating that said school or college has  
26 first met the requirements of this section. Said permit shall be  
27 prominently displayed at all times at such school or college. [Ne

such--school--or--college--shall--be--approved--unless--such--school--or  
college--requires--as--a--prerequisite--to--graduation--a--course--of  
instruction--of--not--less--than--1,500--hours--as--determined--by--the  
board,--to--be--completed--within--a--period--of--not--less--than--nine  
months,--for--a--Class--A--certificate,--and--at--least--800--hours--of--such  
course--of--instruction--shall--be--in--the--actual--practice--of--cutting  
hair--as--a--primary--service--in--accordance--with--the--definition--set  
forth--in--Section--4(b)(3)--of--this--Act. ]

(b) No certificate or permit shall be issued as provided for  
herein to an applicant to be a student in such a school or college  
unless said applicant has completed at least a seventh grade  
education and such other requirements as shall be specified by the  
board. Each applicant to be a student must submit an enrollment  
application to the board in the form prescribed by the board. The  
application must be accompanied by a nonrefundable application fee  
set by the board in an amount not to exceed \$25. A separate  
application and application fee are required for each enrollment,  
reenrollment, or transfer enrollment.

(c) The board may not approve a barber school or college  
unless the school or college requires the following hours of  
instruction as a prerequisite for graduation:

(1) Class A barber--1,500 hours of instruction  
completed in a course of not less than nine months, with not less  
than 800 hours in the actual practice of cutting hair as a primary  
service;

(2) barber technician--300 hours of instruction  
completed in a course of not less than eight weeks;

(3) wig instructor--200 hours of instruction completed in a course of not less than eight weeks;

(4) wig specialist--300 hours of instruction completed in a course of not less than eight weeks;

(5) manicurist--300 hours of instruction completed in a course of not less than eight weeks; and

(6) teacher--1,000 hours of instruction completed in a course of not less than six months.

(d) If a school or college offers a refresher course, that course must require at least 300 hours of instruction. The board by rule shall set the curriculum for a refresher course. [Provided,--however,--that--any--person--licensed--as--a--Class--A registered--barber--or--registered--assistant--barber--as--of--the effective-date-of-this-Aet-shall-be-considered-qualified-to-perform any-acts--or--services--within--the--scope--of--the--definition--of barbering--and--shall--be--entitled--to--any--or--all--licenses, certificates,--or--permits--which--the--board--is--authorized--to--issue--on payment--of--the--required--fees--but--without--meeting--further educational--or--experience--requirements.]

(e) A barber school or college shall submit a monthly progress report to the board regarding each student in attendance at the school or college. The report must certify the daily attendance record of the student and the number of credit hours earned by the student during the previous month. The school or college may not increase, decrease, or withhold for any reason the number of credit hours earned by a student. On completion by a student of a prescribed course of instruction, the school or

college shall certify to the board that the student has completed the required number of hours and is eligible to take the appropriate examination.

(f) [~~(b)~~] Such schools or colleges shall instruct students in the theory and practice of such subjects as may be necessary and beneficial in the practice of barbering, including the following:

(1) all laws governing the practice of barbering in this state;

(2) scientific fundamentals of barbering;

(3) hygienic bacteriology; [7]

(4) histology of the hair, skin, muscles, and nerves;

(5) the structure of the head, neck and face;

(6) elementary chemistry relating to sterilization and antiseptics;

(7) common disorders of the skin and hair;

(8) massaging muscles of the scalp, face, and neck;

(9) hair-cutting;

(10) shaving, shampooing, and bleaching and dyeing of the hair;

(11) manicuring, administering facial treatments, hair weaving, servicing wigs; and [7-er]

(12) any other skills, techniques, services, treatments, or undertakings within the definition of the practice of barbering provided for in this Act.

(g) [~~(e)~~] No barber school or college which issues "Class A" certificates shall be approved by the Board for the issuance of a permit unless said school or college has the following:

1           (1) An adequate school site housed in a substantial  
2 building of a permanent-type construction containing a minimum of  
3 not less than two thousand, eight hundred (2,800) square feet of  
4 floor space. Such space shall be divided into the following  
5 separate departments: a senior department, a junior department, a  
6 class theory room, a supply room, an office space, a dressing and  
7 cloak room, and two (2) sanitary, modern separate rest rooms,  
8 equipped with one (1) commode each and a urinal in one (1) rest  
9 room.

10           (2) A hard-surface floor covering of tile or other  
11 suitable material.

12           (3) A minimum of twenty (20) modern barber chairs with  
13 cabinet and mirror for each chair.

14           (4) One (1) lavatory in back of each two (2) chairs.

15           (5) A liquid sterilizer for each chair.

16           (6) An adequate number of latherizers, vibrators, and  
17 hair dryers for the use of students.

18           (7) Adequate lighting of all rooms.

19           (8) At least twenty (20) classroom chairs, a  
20 blackboard, anatomical charts of the head, neck and face, and one  
21 (1) barber chair in the class theory room.

22           (9) A library and library facilities available to  
23 students, containing a medical dictionary and a standard work on  
24 the human anatomy.

25           (10) Adequate drinking fountain facilities, but at  
26 least one (1) to each floor.

27           (11) Adequate toilet facilities for the students.



(12) Adequate fire-fighting equipment to be maintained in case of emergency.

(h) [ ~~(d)~~ ] Anything to the contrary in this Act notwithstanding, each such school shall place a sign on the front outside portion of its building in a prominent place. Such sign shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum size of ten-inch block letters. Printed signs containing the foregoing information shall be prominently displayed upon each inside wall of the establishment.

(i) [ ~~(e)~~ ] A minimum of five (5) hours a [one-hour-periods-of each] week must [shall] be devoted to the instruction of theory in the classroom, with Saturdays [being] devoted exclusively to practical work over the chair. If classes are conducted five (5) days a week, one (1) hour each day must be devoted to instruction in theory. If classes are conducted four (4) days a week, one (1) hour and fifteen (15) minutes each day must be devoted to instruction in theory. An attendance record book must be maintained by the school showing a record of the students' daily attendance. These records are subject to inspection at any and all times by the Board.

(j) [ ~~(f)~~ ] No barber school or college which issues "Class A" certificates shall be approved by the Board unless it is under the direct supervision and control of a barber who holds a current registered "Class A" certificate to practice barbering under the Texas Barber Law, and who can show evidence of at least five (5) years experience as a practicing barber. Each school shall have at least one (1) teacher who has a teacher's certificate issued by the

1 Board upon examination and who is capable and qualified to teach  
2 the curriculum outlined herein to the students of such school. All  
3 such teachers are required to obtain a teacher's certificate from  
4 the Board and, in addition to requirements set forth by the Board,  
5 must meet the following requirements:

6 (1) Demonstrate their ability to teach the said  
7 curriculum outlined herein through a written and practical test to  
8 be given by the Board.

9 (2) Hold a current certificate as a registered "Class  
10 A" barber under this law.

11 (3) Demonstrate to the Board that such applicant is  
12 qualified to teach and instruct, to be determined at the discretion  
13 of the Board, and show evidence that the applicant has had at least  
14 six (6) months experience as a teacher in an approved school or  
15 college in Texas or in another state approved by the Board, or have  
16 completed 1,000 hours of instruction in a [six-month] postgraduate  
17 course as a student teacher in an approved barber school or college  
18 in Texas.

19 (k) A licensed barber who presents evidence satisfactory to  
20 the Board of at least five (5) years' experience as a practicing  
21 barber in a barber shop operating under a permit issued by the  
22 Board, with not less than two (2) years' experience occurring in  
23 the period immediately before application, is also entitled to  
24 apply to take the examination for a teacher's certificate.  
25 Applicants desiring an examination for a teacher's certificate  
26 shall make an application to the Board and accompany same with an  
27 examination fee not to exceed \$70. A new application and fee must

1 be presented for each examination taken by the applicant and fees  
2 paid are not refundable. A teacher's certificate shall be issued  
3 upon satisfactory completion of the examination and payment of a  
4 certificate fee not to exceed \$70 if the applicant fulfills the  
5 requirements during the period from November 1 of an odd-numbered  
6 year and extending through October 31 of the following  
7 even-numbered year or not to exceed \$35 if the applicant fulfills  
8 the requirements during the period from November 1 of an  
9 even-numbered year and extending through October 31 of the  
10 following odd-numbered year. Teacher's certificates shall be  
11 renewed biennially on or before November 1st of odd-numbered years  
12 upon the payment of a renewal fee not to exceed \$70.

13 (1) [~~(g)~~] In addition to a minimum of one (1) teacher  
14 required in Subsection (j)(3) of this Section [~~paragraph-(3)~~  
15 ~~above~~], each barber school or college which issues "Class A"  
16 certificates shall maintain at least one (1) qualified instructor,  
17 holding a registered "Class A" certificate, for each twenty (20)  
18 students or any fraction thereof for instruction in practical work;  
19 provided, however, that a teacher can also serve as an instructor  
20 in practical work in addition to his position as a theory teacher.  
21 A barber school or college may not enroll more than one (1) student  
22 teacher for each licensed teacher who teaches at the school or  
23 college. A student teacher must concentrate on teaching skills and  
24 may not be booked with customers. Violation of this requirement  
25 constitutes a ground for the revocation of the person's student  
26 teacher barber license.

27 (m) [~~(h)~~] No barber school or college shall be issued a

1 permit to operate under the provisions of this Section until it has  
2 first furnished the following evidence to the Board:

3 (1) A detailed drawing and chart of the proposed  
4 physical layout of such school, showing the departments, floor  
5 space, equipment, lights and outlets.

6 (2) Photographs of the proposed site for such school  
7 including the interior and exterior of the building, rooms and  
8 departments.

9 (3) A detailed copy of the training program.

10 (4) A copy of the school catalog and promotional  
11 literature.

12 (5) A copy of the building lease or proposed building  
13 lease where the building is not owned by the school or college.

14 (6) A sworn statement showing the true ownership of  
15 the school or college.

16 (7) A permit fee not to exceed \$1,000.

17 (n) No such school or college shall be operated and no  
18 students shall be solicited or enrolled by it until the Board shall  
19 determine by inspection that the school has been set up and  
20 established in accordance with this Section and the proposal  
21 submitted to the Board and approved by it prior to the issuance of  
22 a permit. A barber school or college that is not approved by the  
23 Board on initial inspection is subject to reinspection by the  
24 Board. For each reinspection, the Board shall charge a  
25 reinspection fee set by the Board in an amount not to exceed \$500.

26 (o) Any such school or college must obtain renewal of its  
27 permit [~~certificate~~] by September 1st each year by the payment of

an annual renewal fee not to exceed \$300.

(p) [(i)] If [When] a barber school or college changes ownership, the Board shall be notified of the transfer not later than the 10th day before the date on which the change becomes effective [~~within ten-(10)-days-from-the-date-of-such-change~~].

(q) [(j)] Any school or college desiring to change the location of such school or college must first obtain approval by the Board by showing that the proposed location meets the requirements of this Section.

(r) [(k)] If said Board refuses to issue a permit to any such school or college, such school or college may by written request demand the reasons for said refusal and if said school or college shall thereupon meet said requirements and makes a showing that the requirements of this law have been complied with, then if said Board refuses to issue said permit, a suit may be instituted by such school or college in any of the District Courts of Travis County, Texas, to require said Board to issue such permit. Any such suit must be filed within twenty (20) days after the final order of said Board refusing to issue such permit is entered, provided registered notice is mailed or it is otherwise shown that said school or college has notice within ten (10) days from the entering or making of said order.

(s) [(l)] In the event such school or college after a permit is issued to it violates any of the requirements of this law, either directly or indirectly, then said Board shall suspend or revoke the permit of any such school or college. Before suspending or revoking any such permit, said Board must give such school or

1 college a hearing, notice of which hearing shall be delivered to  
 2 such school or college at least twenty (20) days prior to the date  
 3 of said hearing. If said Board suspends or revokes said permit at  
 4 said hearing, then such school or college may file suit to prevent  
 5 the same or to appeal from said order. Any and all suits filed  
 6 hereunder shall be filed within twenty (20) days from the date of  
 7 the order of said Board in any of the District Courts of Travis  
 8 County, Texas, and not elsewhere, and the order shall not become  
 9 effective until said twenty (20) days has expired.

10 (t) [~~m~~] The Attorney General or any District or County  
 11 Attorney may institute any injunction proceedings or such other  
 12 proceeding as to enforce the provisions of this Act, and to enjoin  
 13 any barber[~~-assistant-barber,~~] or school or college from operating  
 14 without having complied with the provisions hereof, and each shall  
 15 forfeit to the State of Texas the sum of Twenty-five Dollars (\$25)  
 16 per day as a penalty for each day's violation, to be recovered in a  
 17 suit by the District or County Attorney, and/or the Attorney  
 18 General.

19 SECTION 11. Section 14, Chapter 65, Acts of the 41st  
 20 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 21 Texas Civil Statutes), is amended to read as follows:

22 Sec. 14. (a) Any [~~assistant-barber-who-is-at-least-sixteen~~  
 23 ~~and-one-half-years-of-age-and-who-has-a-diploma-showing--graduation~~  
 24 ~~from--a-seventh-grade-grammar-school,-or-an-equivalent-education-as~~  
 25 ~~determined-by-an-examination-conducted-by-the-Board,-and-who-has--a~~  
 26 ~~certificate--of--registration--as-an-assistant-barber-in-a-State-or~~  
 27 ~~country--which--has--substantially--the---same---requirements---for~~

1 registration-as-an-assistant-barber-as-is-provided-for-by-this-Act,  
 2 shall--upon--payment-of-the-required-fee-be-issued-a-permit-to-work  
 3 as-an-assistant-barber-until-called-by-the-Board-of--Examiners--for  
 4 examination--to--determine--his-fitness-to-receive-a-certificate-of  
 5 registration-as-an-assistant-barber--Should-such-person-be-able-to  
 6 pass-the-required-examination,he-will-be-issued-a--certificate--of  
 7 registration--as--a--registered-assistant-barber,-and-that-the-time  
 8 spent-in-such-other-State-or-country-as-an-assistant--barber--shall  
 9 be--credited--upon--the-period-of-assistant-barber-required-by-this  
 10 Act-as-a-qualification-to-take-the--examination--to--determine--his  
 11 fitness--to--receive--a-certificate-of-registration-as-a-registered  
 12 barber-

13 [(b)--Any] person who holds a barber [has-spent-at--least--30  
 14 working--days-at-a-licensed-barber-school-or-college-as-a-barber's]  
 15 technician license issued by the Board may:

16 (1) perform for compensation only the practice of  
 17 barbering defined in Sections 4(b)(4), (5), (7), (8), and (10) of  
 18 this Act; and

19 (2) practice only at a location for which the Board  
 20 has issued [including---the---study--of--shampooing,--shampoos,  
 21 manipulations,-making-appointments,-preparing-patrons,--sterilizing  
 22 tools,--and--the--study-of-sterilization-and-the-barber-laws-may-be  
 23 licensed-to--practice--as--a--barber's--technician---Any--licensed  
 24 barber's--technician--may--assist--the--barber--in--shampooing--and  
 25 sterilizing-in] a barber shop permit [and--shall--work--under--the  
 26 personal-supervision-of-a-registered-Class-A-barber].

27 (b) An applicant for a barber technician license must be at

1 least 16 years of age, have completed the seventh grade or its  
2 equivalent, and have completed a course of instruction of not less  
3 than 300 hours in a period of not less than eight weeks. The  
4 course must include the theory and practice of the following  
5 subjects:

6 (1) all laws governing the practice of barbering in  
7 this state;

8 (2) hygienic bacteriology;

9 (3) histology of the skin, muscles, and nerves;

10 (4) the structure of the head, neck, and face;

11 (5) elementary chemistry relating to sterilization and  
12 antiseptics;

13 (6) common disorders of the skin;

14 (7) massaging and manipulating muscles of the scalp,  
15 face, and neck;

16 (8) shampooing;

17 (9) administering facial treatments;

18 (10) preparing patrons and making appointments; and

19 (11) any other skills, techniques, services,  
20 treatments, or undertakings within the definition of the practice  
21 of barbering under Subsection (a) of this section.

22 (c) The application must be made on a form prescribed by the  
23 Board, accompanied by the \$10 administration fee. The application  
24 and fee must be filed not later than the 10th day before the date  
25 set for the examination.

26 (d) An applicant is entitled to a barber technician license  
27 if the applicant possesses the qualifications listed in Subsection



1 (b) of this section, satisfactorily completes the examination, pays  
2 a license fee not to exceed \$70, and has not committed an act that  
3 constitutes grounds for denial of a license under this Act.

4 SECTION 12. Subsections (b) and (c), Section 15, Chapter 65,  
5 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
6 8407a, Vernon's Texas Civil Statutes), are amended to read as  
7 follows:

8 (b) An applicant for a manicurist license must be at least  
9 16 years of age, have completed the seventh grade or its  
10 equivalent, and have completed 300 [~~150~~] hours instruction in  
11 manicuring.

12 (c) The application shall be made on a form prescribed by  
13 the board and a \$10 [~~\$5--manicurist~~] administration fee must  
14 accompany the application. The application and fee shall be filed  
15 at least 10 days prior to the date set for the examination.

16 SECTION 13. Chapter 65, Acts of the 41st Legislature, 1st  
17 Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
18 Statutes), is amended by adding Section 15A to read as follows:

19 Sec. 15A. (a) A person may not own, operate, or manage a  
20 manicurist specialty shop unless the person holds a manicurist  
21 specialty shop permit issued by the board. A person may operate  
22 under a temporary permit issued by the board until a permanent  
23 permit is issued.

24 (b) An applicant for a manicurist specialty shop permit must  
25 submit a written application to the board. The application must be  
26 accompanied by an inspection fee set by the board in an amount not  
27 to exceed \$50. The application must include the address of the

shop, a legal description of the premises for which the permit is sought, and any other information required by the board. As soon as practicable after receipt of the application and fee, the board shall issue a temporary manicurist specialty shop permit to the applicant.

(c) The board shall issue a permanent manicurist specialty shop permit to an applicant who holds a valid manicurist license and whose shop meets:

(1) the minimum health standards required by the Texas Department of Health for manicurist specialty shops, as determined by a board inspection; and

(2) any additional requirements imposed by board rule.

(d) A person who holds a manicurist specialty shop permit may maintain an establishment in which only the practice of barbering, as defined by Sections 4(b)(6) and (7) of this Act, is performed for compensation. A manicurist specialty shop may be operated only under the direction of a person who holds a valid manicurist license.

(e) The holder shall display the permit in a conspicuous place in the shop for which the permit is issued. A permit issued under this section is not transferable. If the ownership of a manicurist specialty shop is transferred to another person, the shop may continue in operation if the new owner applies for and obtains a new permit not later than the 30th day after the date on which ownership is transferred.

(f) A person who holds a license, permit, or certificate issued by the Texas Cosmetology Commission may not practice under

1 that authority at a manicurist specialty shop regulated under this  
2 Act.

3 (g) A permit issued under this section expires July 1 of  
4 each odd-numbered year. A holder may renew the permit by  
5 submitting a renewal application to the board, accompanied by a  
6 renewal fee set by the board not to exceed \$50.

7 (h) A holder of a permit issued under this section may move  
8 the manicurist specialty shop to a different location if the holder  
9 receives board approval of the new location. The holder must  
10 notify the board of the move not later than the 10th day before the  
11 date on which the move is scheduled to occur.

12 SECTION 14. Section 16, Chapter 65, Acts of the 41st  
13 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
14 Texas Civil Statutes), is amended to read as follows:

15 Sec. 16. (a) A person holding a wig specialist license  
16 issued by the board may perform for compensation only the practice  
17 of barbering defined in Section 4(b)(11) of this Act.

18 (b) An applicant for a wig specialist license must be at  
19 least 16 years of age, have completed the seventh grade or its  
20 equivalent, and have completed 300 hours of instruction in the care  
21 and treatment of wigs.

22 (c) The application shall be made on a form prescribed by  
23 the commission and a \$10 [~~\$5~~] administration fee must accompany the  
24 application. The application and fee must be filed at least 10  
25 days prior to the date set for the examination.

26 (d) The applicant is entitled to a wig specialist license if  
27 he possesses the qualifications enumerated in Subsection (b) of

this section, satisfactorily completes the examination, pays a license fee not to exceed \$30, and has not committed an act which constitutes grounds for revocation of a license under this Act.

~~[ (e) -- Any person who at the time this Act takes effect -- holds a -- cosmetology -- license -- or -- manicurist -- license -- issued -- by -- the cosmetology commission -- may make application for and upon paying the fee -- be granted a manicurist license by -- the -- barber -- board -- without examination. ]~~

SECTION 15. Section 18, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18. (a) A person may not own, operate, or manage a wig specialty shop unless the person holds a wig specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued. ~~[ A -- person holding -- a -- wig -- salon -- license -- issued -- by -- the -- board -- may maintain an establishment in which only the practice of barbering as defined in Section 4 (b) (1) of this Act is performed for compensation. ]~~

(b) An applicant for a wig specialty shop permit must submit a written application to the board. The application must be accompanied by an inspection fee set by the board in an amount not to exceed \$50. The application must include the address of the shop, a legal description of the premises for which the permit is sought, and any other information required by the board. As soon as practicable after receipt of the application and fee, the board shall issue a temporary wig specialty shop permit to the applicant.  
~~[ An applicant for a wig salon license shall submit -- an -- application~~

1 ~~on--a--form-prescribed-by-the-board--The-application-shall-contain~~  
2 ~~proof-of-the-particular-requisites-for-a-wig-salon--as--established~~  
3 ~~by-the-board-and-shall-be-verified-by-the-applicant.]~~

4 (c) The board shall issue a permanent wig specialty shop  
5 permit to an applicant who holds a valid wig specialist license and  
6 whose shop meets:

7 (1) the minimum health standards required by the Texas  
8 Department of Health for wig specialty shops, as determined by a  
9 board inspection; and

10 (2) any additional requirements imposed by board rule.

11 (d) A person who holds a wig specialty shop permit may  
12 maintain an establishment in which only the practice of barbering,  
13 as defined by Section 4(b)(11) of this Act, is performed for  
14 compensation. A wig specialty shop may be operated only under the  
15 direction of a person who holds a valid wig specialist license.

16 (e) The holder shall display the permit in a conspicuous  
17 place in the shop for which the permit is issued. A permit issued  
18 under this section is not transferable. If the ownership of a wig  
19 specialty shop is transferred to another person, the shop may  
20 continue in operation if the new owner applies for and obtains a  
21 new permit not later than the 30th day after the date on which  
22 ownership is transferred.

23 (f) A person who holds a license, permit, or certificate  
24 issued by the Texas Cosmetology Commission may not practice under  
25 that authority at a wig specialty shop regulated under this Act.

26 (g) A permit issued under this section expires July 1 of  
27 each odd-numbered year. A holder may renew the permit by

1 submitting a renewal application to the board, accompanied by a  
2 renewal fee set by the board not to exceed \$50.

3 (h) A holder of a permit issued under this section may move  
4 the wig specialty shop to a different location if the holder  
5 receives board approval of the new location. The holder must  
6 notify the board of the move not later than the 10th day before the  
7 date on which the move is scheduled to occur. [~~The applicant is~~  
8 ~~entitled to a wig salon license if the application shows compliance~~  
9 ~~with the rules and regulations of the board, a license fee not to~~  
10 ~~exceed \$50 is paid, and such applicant has not committed an act~~  
11 ~~which constitutes grounds for revocation of a license under this~~  
12 ~~Act.~~ ]

13 SECTION 16. Section 18.1, Chapter 65, Acts of the 41st  
14 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
15 Texas Civil Statutes), is amended to read as follows:

16 Sec. 18.1. (a) A person holding a wig school permit  
17 [~~license~~] issued by the board may maintain an establishment in  
18 which only the practice of barbering as defined in Section 4(b)(11)  
19 of this Act is taught for compensation.

20 (b) An applicant for a wig school permit [~~license~~] shall  
21 submit an application on a form prescribed by the board. The  
22 application shall contain proof of the particular requisites for a  
23 wig school as established by the board and shall be verified by the  
24 applicant.

25 (c) The applicant is entitled to a wig school permit  
26 [~~license~~] if the application shows compliance with the rules and  
27 regulations of the board, a \$100 permit [~~license~~] fee is paid, and

1 applicant has not committed an act which constitutes grounds for  
2 revocation of a license or permit under this Act.

3 SECTION 17. Section 19, Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
5 Texas Civil Statutes), is amended to read as follows:

6 Sec. 19. Every holder of a certificate of registration or  
7 license issued by the board shall display the original certificate  
8 or license, together with an attached photograph of the certificate  
9 holder or licensee, [it] in a conspicuous place adjacent to or near  
10 the certificate holder's or licensee's [his] work-chair in the shop  
11 in which the certificate holder or licensee [he] is working or  
12 employed.

13 SECTION 18. Section 20, Chapter 65, Acts of the 41st  
14 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
15 Texas Civil Statutes), is amended to read as follows:

16 Sec. 20. (a) Each certificate of registration or license  
17 issued under this Act expires two years from the date of issuance.  
18 Each registered Class A barber, barber technician, teacher, wig  
19 instructor, wig specialist, manicurist, or other licensed  
20 specialist who continues in active practice or service must renew  
21 the certificate or license on or before the expiration date. The  
22 Board shall issue a renewal certificate or license on receipt of a  
23 renewal application in the form prescribed by the Board,  
24 accompanied by the renewal fee set by the Board in the amount for  
25 an original certificate or license, but not to exceed \$70. [Every  
26 registered--Class--A--barber-and-barber-technician-who-continues-in  
27 active--practice--or--service--shall--renew--his---certificate---of

1 registration--on--or--before-November-1-of-odd-numbered-years--The  
 2 Board-of-Barber-Examiners-shall-issue-the-renewal-certificate--upon  
 3 payment--of--a--biennial--renewal--fee--not--to--exceed-\$70--Every  
 4 certificate-of-registration-which-has-not--been--renewed--prior--to  
 5 that-date-shall-expire-on-November-1-of-that-year.]

6 (b) A Class A registered barber or other licensee, whose  
 7 certificate of registration or license has expired, may, within 30  
 8 days thereafter, and not later, have his certificate of  
 9 registration or license restored by applying to the Board and  
 10 paying the biennial renewal fee set by the Board [upon-making-a  
 11 satisfactory-showing--to--the--Board,--supported--by--his--personal  
 12 affidavit,--which--in--the--opinion--of--the--Board,--will--excuse--the  
 13 applicant-for-having-failed-to-renew--his--certificate--within--the  
 14 time-required-by-this-Act].

15 (c) Any registered barber or licensee whose certificate of  
 16 registration or license has been expired for not [who-retires--from  
 17 the--practice--of--barbering--for-not] more than five (5) years may  
 18 reinstate the [renew-his] certificate of registration or license by  
 19 making proper showing to the Board, supported by his personal  
 20 affidavit, which, in the opinion of the Board, would justify the  
 21 Board in issuing a certificate or license to such applicant as upon  
 22 an original application upon payment of a fee equal to the current  
 23 amount of the original certificate or license fee, plus a  
 24 delinquency fee of \$30 for each year or part of a year that the  
 25 certificate or license has been expired [not-to-exceed-\$70-if-the  
 26 applicant--applies--during--the--period--from--November--1--of--an  
 27 odd-numbered-year-and-extending-through-October-31-of-the-following



1 even-numbered--year--not--to--exceed--\$35--if-the-applicant-applies  
 2 during-the-period-from-November-1--of--an--even-numbered--year--and  
 3 extending--through--October-31-of-the-following-odd-numbered-year].

4 (d) Any registered barber or licensee who retires from [the]  
 5 practice and whose certificate of registration or license has been  
 6 expired [of-barbering] for more than five (5) years may qualify for  
 7 a new [renew-his] certificate of registration or license by making  
 8 application to the Board and by making proper showing to the Board,  
 9 supported by his personal affidavit, and by paying an examination  
 10 fee not to exceed \$70, passing a satisfactory examination conducted  
 11 by the Board, and paying the [a--license] fee for an original  
 12 certificate of registration or license [not-to-exceed--\$50--if--the  
 13 applicant-fulfills-the-requirements-during-the-period-from-November  
 14 1--of--an-odd-numbered-year-and-extending-through--October-31-of-the  
 15 following-even-numbered-year-or-not-to-exceed--\$25-if-the--applicant  
 16 fulfills--the--requirements-during-the-period-from-November-1-of-an  
 17 even-numbered--year--and--extending--through--October--31--of--the  
 18 following-odd-numbered-year].

19 SECTION 19. Section 20a, Chapter 65, Acts of the 41st  
 20 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 21 Texas Civil Statutes), is amended to read as follows:

22 Sec. 20a. Any registered barber, [~~registered--assistant~~  
 23 ~~barber--or~~] barber technician, teacher, manicurist, or wig  
 24 specialist shall not be required to renew his certificate of  
 25 registration while serving on active duty in the military, air or  
 26 naval forces of the United States, and the Board shall issue a  
 27 renewal certificate upon application and payment of a renewal fee

1 within ninety (90) days from the date such registered barber,  
2 [~~registered--assistant--barber,--or~~] barber technician, teacher,  
3 manicurist, or wig specialist is released or discharged from active  
4 duty in the armed forces. The renewal fee shall be:

5 (1) Ten Dollars (\$10) if the application and payment  
6 is made during the period from November 1 of an odd-numbered year  
7 and extending through October 31 of the following even-numbered  
8 year;

9 (2) Five Dollars (\$5) if the application and payment  
10 is made during the period from November 1 of an even-numbered year  
11 and extending through October 31 of the following odd-numbered  
12 year.

13 SECTION 20. Section 21, Chapter 65, Acts of the 41st  
14 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
15 Texas Civil Statutes), is amended to read as follows:

16 Sec. 21. The board shall either refuse to issue or to renew,  
17 or shall suspend or revoke any certificate of registration or  
18 license for any one of, or a combination of the following causes:

19 (A) Gross malpractice;

20 (B) Continued practice by a person knowingly having an  
21 infectious or contagious disease;

22 (C) Advertising by means of knowingly making false or  
23 deceptive statements;

24 (D) Advertising, practicing, or attempting to practice  
25 under another's trade name or another's name;

26 (E) Habitual drunkenness or habitual addiction to the  
27 use of morphine, cocaine, or other habit-forming drugs;

1           (F) The commission of any of the offenses described in  
2 Section 24 of this Act;

3           (G) No certificate or license shall be issued or  
4 renewed, unless and until each applicant shall present a health  
5 certificate from a regular practicing [~~medica~~] doctor of medicine  
6 or doctor of osteopathic medicine showing that the applicant is  
7 free from any kind of infectious or contagious diseases,  
8 tuberculosis, communicable diseases, and free from the use of any  
9 kind of morphine, cocaine, or other habit-forming drug, or a  
10 habitual drunkard and that said applicant shall make affidavit to  
11 said medical examiner that all of the said facts are true.

12           SECTION 21. Section 22(a), Chapter 65, Acts of the 41st  
13 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
14 Texas Civil Statutes), is amended to read as follows:

15           (a) If a barber inspector believes that any of the grounds  
16 specified in Section 21 exist, or that the holder of a certificate,  
17 license, or permit has failed to comply with any of the  
18 requirements of this Act, he shall notify the holder of the  
19 certificate, license, or permit of that fact and summons him to  
20 appear for hearing as provided in this section. The hearing shall  
21 be had not less than twenty (20) days after notification in writing  
22 to the holder of the certificate, license, or permit, specifying  
23 the violation or non-compliance alleged. For the purpose of  
24 hearing such cases concurrent jurisdiction is vested in the county  
25 court of the county where the holder of the certificate, license,  
26 or permit resides and in the county court of the county where the  
27 violation allegedly occurred. The court may administer oaths and

1 may issue subpoenas for the attendance of witnesses and the  
2 production of relative books and papers. The holder of the  
3 certificate, license, or permit shall have the right to be  
4 represented by counsel. At the hearing, the board shall be  
5 represented by the attorney general, district attorney, or county  
6 attorney. At such a hearing the issue to be determined is whether  
7 any grounds exist under Section 21 for denial, refusal to renew,  
8 suspension, or revocation of the certificate, license, or permit.  
9 The judge who presides at the hearing shall report his finding to  
10 the board, which may, if the finding warrants, deny, suspend,  
11 revoke, or refuse to renew the certificate, license, or permit.

12 SECTION 22. Subsections (b) and (c), Section 23, Chapter 65,  
13 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
14 8407a, Vernon's Texas Civil Statutes), are amended to read as  
15 follows:

16 (b) The fees to be paid to the Board by an applicant for an  
17 examination to determine his fitness to receive a certificate of  
18 registration to practice barbering[~~7--to-practice--as--an--assistant~~  
19 ~~barber7~~] or to practice as a barber technician shall be \$10.

20 (c) The fees to be paid to the Board by an applicant who has  
21 satisfactorily passed the examination and complied with the other  
22 provisions of this Act to receive a certificate of registration to  
23 practice barbering[~~7--to--practice--as--an--assistant--barber7~~] or to  
24 practice as a barber technician shall be set by the Board in an  
25 amount not to exceed \$70[

26 [~~1~~]~~--an--amount--not--to--exceed--\$70--if--the--applicant~~  
27 ~~fulfills-the-requirements-during-the-period-from-November-1--of--an~~

1 odd-numbered-year-and-extending-through-October-31-of-the-following  
2 even-numbered-year, or

3 [ (2) -- an amount not to exceed \$35 if the applicant  
4 fulfills the requirements during the period from November 1 of an  
5 even-numbered year and extending through October 31 of the  
6 following odd-numbered year ].

7 SECTION 23. Section 24, Chapter 65, Acts of the 41st  
8 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
9 Texas Civil Statutes), is amended to read as follows:

10 Sec. 24. Each of the following offenses shall constitute a  
11 misdemeanor punishable upon conviction in a court of competent  
12 jurisdiction by a fine of not less than twenty-five dollars  
13 (\$25.00) nor more than two hundred dollars (\$200.00).

14 (A) The violation of any of the provisions of Sections  
15 1, 2, or 3 [ 7 and 5 ] of this Act;

16 (B) Permitting any person in one's employ,  
17 supervision, or control to practice as a barber or other licensee  
18 [ as an assistant barber, ] unless that person has a current  
19 certificate of registration or license issued by the board;

20 (C) Obtaining or attempting to obtain a certificate of  
21 registration or license by fraudulent representation;

22 (C-1) For anyone who owns, operates or manages a  
23 barber school or college to work a chair or to permit teachers,  
24 student teachers [ instructors ], [ licensed barbers ] or anyone [ any  
25 one ] other than an enrolled student to render barbering services to  
26 the public in their said establishment;

27 (D) The willful failure to display a certificate of

1 registration or license as required by Section 19 of this Act.

2 SECTION 24. Section 27, Chapter 65, Acts of the 41st  
3 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
4 Texas Civil Statutes), is amended to read as follows:

5 Sec. 27. (a) The State Board of Barber Examiners shall  
6 elect one of its members as president, and shall select an  
7 executive director [~~elect-a-secretary~~] and such other employees, as  
8 may be necessary, to carry out the provisions of this Act [~~and~~  
9 ~~House---Bill---No-104,---Chapter---65,---Acts---of---the---Forty-first~~  
10 ~~Legislature,---First-Called-Session,---as-amended,~~] and provide for the  
11 compensation of the executive director [~~such-secretary~~] and other  
12 employees. Said Board shall maintain its office in the [~~State~~  
13 ~~Office-Building-in-the~~] City of Austin, Texas, and shall adopt  
14 rules and regulations for the transaction of the business herein  
15 provided for, including a common seal for the authentication of its  
16 orders, certificates and records. The executive director  
17 [~~secretary~~] shall keep a record of all proceedings of the Board and  
18 shall be the custodian of all such records and shall receive and  
19 receipt for all money collected by the Board. All money so  
20 received shall be immediately deposited with the State Treasurer,  
21 who shall credit same to a special fund to be known as "State Board  
22 of Barber Examiners Fund," which money shall be drawn from said  
23 special fund upon claims made therefor by the Board to the  
24 Comptroller; and if found correct, to be approved by him and  
25 vouchers issued therefor, and countersigned and paid by the State  
26 Treasurer, which special fund is [~~hereby---appropriated~~] for the  
27 purpose of carrying out all the provisions of this Act. Annually

1 at the close of business on August 31st of each year, a complete  
2 report of the business transaction by the Board showing all  
3 receipts and disbursements shall be made by the Board to the  
4 Governor of the State of Texas. The State Auditor shall audit the  
5 financial transactions of the Board at least once every two fiscal  
6 years.

7 (b) The executive director [~~secretary~~] shall give a surety  
8 bond, payable to the State of Texas in the sum of Five Thousand  
9 Dollars (\$5,000), conditioned for the faithful performances of the  
10 [~~his~~] duties as executive director [~~secretary~~], to be approved by  
11 the Board and filed with the State Comptroller. A majority of the  
12 Board in meetings duly assembled may perform and exercise all the  
13 duties and powers devolving upon the Board.

14 (c) The compensation of the members of the Board shall be a  
15 per diem as set by the General Appropriations Act, and in addition  
16 to the per diem provided for herein, they shall be entitled to  
17 traveling expenses in accordance with the appropriate provisions of  
18 the General Appropriations Act. Each Board member shall make out,  
19 under oath, a complete itemized statement of the number of days  
20 engaged and the amount of his expenses when presenting same for  
21 payment.

22 SECTION 25. Section 27a(a), Chapter 65, Acts of the 41st  
23 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
24 Texas Civil Statutes), is amended to read as follows:

25 (a) No barber inspector or other employee of the State Board  
26 of Barber Examiners may sell barber supplies or engage in any other  
27 business which deals directly with barbers, barber shops, specialty

1 shops, or barber schools except that he may engage in the practice  
2 of barbering.

3 SECTION 26. Section 28(a), Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
5 Texas Civil Statutes), is amended to read as follows:

6 (a) The Texas [~~State~~] Board of Health shall make, establish  
7 and promulgate reasonable sanitary rules and regulations for the  
8 conduct of barber shops, specialty shops, and barber schools. The  
9 State Board of Barber Examiners, by and through the Texas  
10 Department of Health [~~Health-Department-of--the--State--of--Texas~~],  
11 shall have authority, and it is made its duty to enter upon the  
12 premises of all barber shops, specialty shops, barber schools or  
13 any place where any of its certificate holders or licensees are  
14 practicing or performing any service, act or treatment by authority  
15 of any certificate or license issued by the board and inspect same  
16 at any time during business hours. A copy of such sanitary rules  
17 and regulations adopted by the Texas Board of Health shall be  
18 furnished to the executive director [~~Secretary~~] of the State Board  
19 of Barber Examiners who shall in turn forward to each barber,  
20 barber school or licensee of the board a copy of such rules and  
21 regulations. A copy of the sanitary rules and regulations  
22 promulgated and adopted by the Texas [~~State~~] Board of Health shall  
23 be posted in barber shops, specialty shops, and barber schools in  
24 this State. Subject only to the authority of the Texas [~~State~~]  
25 Board of Health to make and promulgate reasonable rules and  
26 regulations as to sanitation, the State Board of Barber Examiners  
27 shall have full authority and power to make and enforce all rules



1 and regulations necessary for the performance of its duties, to  
2 establish standards of conduct and ethics for all persons licensed  
3 or practicing under the provisions of this Act, and to regulate the  
4 practice and teaching of barbering in all of its particulars in  
5 keeping with the purposes and intent of this Act or to insure  
6 strict compliance with and enforcement of this Act.

7 SECTION 27. Section 29, Chapter 65, Acts of the 41st  
8 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
9 Texas Civil Statutes), is amended to read as follows:

10 Sec. 29. The Board shall keep a record of its proceedings  
11 relating to the issuance, refusal, renewal, suspension, and  
12 revocation of certificates of registration, licenses, or permits.  
13 This record shall also contain the name, place of business, and  
14 residence of each registered barber, licensee, or permittee [and  
15 ~~registered-assistant-barber~~], and the date and number of his  
16 certificate of registration, license, or permit. This record shall  
17 be open to public inspection at all reasonable times.

18 SECTION 28. Section 29A, Chapter 65, Acts of the 41st  
19 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
20 Texas Civil Statutes), is amended to read as follows:

21 Sec. 29A. (a) The State Board of Barber Examiners shall  
22 keep an information file about each complaint filed with the board  
23 relating to licensees, permittees, or certificate holders under  
24 this Act.

25 (b) If a written complaint is filed with the State Board of  
26 Barber Examiners relating to a licensee, permittee, or certificate  
27 holder under this Act, the board, at least as frequently as

1     quarterly, shall notify the complainant of the status of the  
2     complaint until the complaint is finally resolved.

3             SECTION 29. Chapter 65, Acts of the 41st Legislature, 1st  
4     Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
5     Statutes), is amended by adding Section 29E to read as follows:

6             Sec. 29E. A barber shop, specialty shop, or barber school  
7     permit that has been expired for more than 30 days may be renewed  
8     by filing a renewal application with the board, accompanied by the  
9     regular renewal fee, and a delinquency fee of \$30 for each year or  
10    part of a year that the permit has been expired.

11            SECTION 30. (a) This Act takes effect September 1, 1989.

12            (b) This Act applies only to a license, certificate, or  
13     permit issued or renewed by the State Board of Barber Examiners on  
14     or after September 1, 1989. A license, certificate, or permit  
15     issued or renewed before that date is covered by the law in effect  
16     on the date that the license, certificate, or permit was issued or  
17     renewed, and the prior law is continued in effect for this purpose.

18            (c) A person who on the effective date of this Act holds a  
19     cosmetology license or manicurist license issued by the Texas  
20     Cosmetology Commission is entitled to a manicurist license issued  
21     by the State Board of Barber Examiners on application to that  
22     board.

23            SECTION 31. The importance of this legislation and the  
24     crowded condition of the calendars in both houses create an  
25     emergency and an imperative public necessity that the  
26     constitutional rule requiring bills to be read on three several  
27     days in each house be suspended, and this rule is hereby suspended.

**ADOPTED**

APR 11 1989

*Betty Murray*  
Chief Clerk  
House of Representatives

~~3rd READING~~

AMENDMENT NO. ①

BY *Prui*

1 Amend H.B. No. 460 on third reading, on page 12, strike the  
2 last sentence of the amended Section 9(b) and substitute the  
3 following: A separate application is required for each  
4 enrollment, reenrollment, or transfer enrollment. However, the  
5 application fee applies only to the first enrollment and may not be  
6 charged for any later enrollment, reenrollment, or transfer  
7 enrollment. *mf*

**ADOPTED**

APR 11 1989

*Betty Murray*  
Chief Clerk  
House of Representatives

**3rd READING**

AMENDMENT NO.

②

BY

*Kubiak*

- 1 Amend H.B. 460, second reading engrossment, as follows:
- 2 ✓(1) Strike Subdivision 10 of Article 8405, Revised Statutes,
- 3 as amended by Section 4 of the bill and renumber the subsequent
- 4 subdivision accordingly.
- 5 (2) In the first sentence to Article 8406, Revised Statutes,
- 6 as amended by Section 5 of the bill, strike "(a)".
- 7 (3) ✓Strike Subsection (b), Article 8406, Revised Statutes,
- 8 as added by Section 5 of the bill.

# HOUSE ENGROSSMENT

85 APR 11 PM 7:46  
HOUSE OF REPRESENTATIVES

By Eckels

H.B. No. 460

## A BILL TO BE ENTITLED

### AN ACT

relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Article 8402, Revised Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or managing a barber shop or specialty shop shall register his full name and the location of said shop with the State Board of Barber Examiners and must hold a permit for that shop. An applicant for a barber shop permit or specialty shop permit must~~[---Each-owner, operator-or-manager-of-a-barber--shop--that--is--first--opened--for business--hereafter--shall--within--three-days-after-the-opening-of such-shop]~~ submit an application to the barber board for the appropriate ~~[a-barber-shop]~~ permit.

(b) In order that the public may fix responsibility for services, acts, or treatments performed by persons licensed by the State Board of Barber Examiners vis-a-vis those performed by persons licensed by the Texas Cosmetology Commission, to promote the efficient and orderly administration of laws regulating barbers and the practice of barbering and the laws regulating cosmetologists and the practice of cosmetology and to avoid confusion of the public as well as avoiding conflicts of jurisdiction between such board and commission which might impede

effective administration or enforcement of the laws under their respective jurisdictions[~~7--from-and-after-January-31--1980~~]:

(1) a person licensed by the barber board may practice [~~barbering~~] only at a location for which the board has issued a barber shop permit, specialty shop permit, barber school or college permit, or any other permit. If the State Board of Barber Examiners and the Texas Cosmetology Commission license the same facility, the board may not adopt rules restricting or prohibiting the practice by a Class A barber, manicurist, or wig specialist in the facility; and

(2) a person licensed by the cosmetology commission may practice cosmetology only at a location for which the commission has issued a beauty shop license, private beauty culture school license, or any other license. If the State Board of Barber Examiners and the Texas Cosmetology Commission license the same facility, the commission may not adopt rules restricting or prohibiting the practice by a cosmetologist in the facility.

SECTION 2. Article 8403, Revised Statutes, is amended to read as follows:

Art. 8403. EQUIPMENT. The owner, operator or manager of any barber shop, specialty shop, or barber school [~~er--beauty--parlor~~] shall equip and keep equipped the same with facilities and supplies and with all such appliances, furnishings and materials as may be necessary to enable persons employed in and about the same to comply with the law.

SECTION 3. Article 8404, Revised Statutes, is amended to read as follows:

Art. 8404. EMPLOYEE [~~EMPLOYEE~~] WITH DISEASE. No owner, operator or manager of a barber shop, specialty shop, or barber school [~~or-a-beauty--parlor~~] shall knowingly permit any person suffering from a communicable skin disease or from a venereal disease to act as a barber or employee [~~employee~~] or work or be employed in the [~~said~~] shop or school [~~parlor~~]. No person who to his own knowledge is suffering from a communicable disease or from venereal disease shall act as a barber or work or be employed in a [~~said~~] shop or school [~~parlor~~].

SECTION 4. Article 8405, Revised Statutes, is amended to read as follows:

Art. 8405. CLEANLINESS. Every person in charge of a barber shop, specialty shop, or barber school [~~beauty-parlor~~] shall keep the [~~said~~] shop or school [~~parlor~~] and all furniture, tools, appliances and other equipment used therein at all times in a clean [~~cleanly~~] condition, and shall cause all combs, hair brushes, [~~hair dusters~~] and similar articles used therein to be washed thoroughly at least once a day and to be kept clean at all times, and shall cause all mugs, shaving brushes, razors, shears, scissors, clippers and tweezers used therein to be sterilized at least once after each time used as hereinafter provided. The term "persons affected by this chapter" shall include any person working or employed in a barber shop, specialty shop, or barber school [~~beauty--parlor~~] or acting as a barber, wig [~~beauty~~] specialist, or manicurist. Every barber or other person affected by this chapter, immediately after using a mug, shaving brush, razor, scissors, shears, clippers, or tweezers, for the service of any person, shall sterilize the same

1 by immersing it in boiling water for not less than a minute, or in  
2 the case of a razor, scissors, shears or tweezers, by immersing it  
3 for not less than ten minutes in a five per cent aqueous solution  
4 of carbolic acid. No barber or other person affected by this  
5 chapter shall:

6 1. Use for the service of any customer a comb, hair  
7 brush, [~~hair-duster~~] or any similar article that is not thoroughly  
8 clean, nor any mug, shaving brush, razor, shears, scissors,  
9 clippers, or tweezers, that are not thoroughly clean or that have  
10 not been sterilized since last used.

11 2. Serve any customer unless he shall immediately  
12 before such service cleanse his hands thoroughly.

13 3. Use for the service of a customer any towel or wash  
14 cloth that has not been [~~boiled-and~~] laundered since last used.

15 4. To stop the flow of blood use the same piece of  
16 alum or other material for more than one person.

17 5. Shave any person when the surface to be shaved is  
18 inflamed or broken out or contains pus[~~7--unless--such--person--be~~  
19 ~~provided--with--a--cup,7--razor--and-lather-brush-for-his-individual~~  
20 ~~use~~].

21 6. Permit any person to use the head rest of any  
22 barber's chair under his control until after the head rest has been  
23 covered with a towel that has been laundered [~~washed-and-boiled~~]  
24 since having been used before, or by clean new paper or similar  
25 clean substance.

26 7. Use a powder puff or a sponge in the service of a  
27 customer unless it has been sterilized since last used.



1           8. Use a finger bowl unless it has been sterilized  
2 since last used and fresh water or other liquid placed therein.

3           9. Serve a customer without the use of a sanitized  
4 neck strip, cloth towel, or paper towel between the customer and  
5 the chair cloth.

6           10. Use a hair duster in providing services for any  
7 customer.

8           SECTION 5. Article 8406, Revised Statutes, is amended to  
9 read as follows:

10          Art. 8406. CERTAIN OTHER USES PROHIBITED; EXCEPTION [NO  
11 PLACE-TO-SLEEP]. No owner or manager of any barber shop, specialty  
12 shop, or barber school [~~beauty-parlor~~] shall permit any person to  
13 sleep in any room used wholly or in part as such shop or school  
14 [~~parlor~~], and no person shall pursue the barber business or be  
15 employed in a barber shop, specialty shop, or barber school [~~beauty~~  
16 ~~parlor~~] in any room used as [a] sleeping quarters [~~apartment~~].

17          SECTION 6. Section 2, Chapter 65, Acts of the 41st  
18 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
19 Texas Civil Statutes), is amended to read as follows:

20          Sec. 2. Unless [~~From--and-after-the-effective-date-of-this~~  
21 ~~Act,--unless~~] duly licensed and registered in accordance with all  
22 laws of this state regulating the practice of barbering, no person  
23 shall:

24               (a) practice, continue to practice, offer, or attempt  
25 to practice barbering or any part thereof;

26               (b) directly or indirectly, employ, use, cause to be  
27 used, or make use of any of the following terms or any

combinations, variations, or abbreviations thereof, as a professional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit: "barber," "barbering," "barber school," "barber college," "barber shop," "barber salon," or "specialty shop"; or

(c) directly or indirectly, employ, use, cause to be used, or make use of any letter, abbreviation, word, symbol, slogan, sign, or any combination or variation thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice barbering or own or manage any barber shop, specialty shop, or barber school or college.

SECTION 7. Section 4, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. [~~DEFINITIONS~~] In this Act, unless the context otherwise requires:

(a) "barber" shall mean any person who performs, offers, or attempts to perform any act of barbering, professes to do barbering or to be engaged in the practice thereof, or who directly or indirectly or in any manner whatsoever advertises or holds himself out as a barber or as authorized to practice barbering;

(b) "barbering," "practicing barbering," or the "practice of barbering" shall mean the performing or doing, or offering or attempting to do or perform, any, all or any combination of the following acts, services, works, treatments, or

1     undertakings:

2                     (1)   arranging,             beautifying,             coloring,  
3     processing,   shaving, styling, or trimming the mustache or beard by  
4     any means or method;

5                     (2)   arranging,             beautifying,             bleaching,  
6     cleansing,    coloring,    curling,    dressing,   dyeing,   processing,  
7     shampooing,   shaping,   singeing,   straightening,   styling,   tinting,  
8     waving,   or otherwise treating the hair as primary services,  
9     treatments, or undertakings by any means or method, including any  
10    bobbing,   clipping, cutting, or trimming of the hair as a necessary  
11    incident preparatory or ancillary to such primary services;

12                    (3)   cutting the hair as a primary service,  
13    treatment,   or undertaking and not as a necessary incident  
14    preparatory or ancillary to those primary services enumerated in  
15    Section 4(b)(2), or primarily engaging in the occupation of cutting  
16    hair or practicing primarily as a haircutter by cutting hair as a  
17    separate and independent service, treatment, or undertaking for  
18    which haircut a charge is made, as such, separate and apart from  
19    any other service, treatment, or undertaking, directly, or  
20    indirectly, or in any manner whatsoever;

21                    (4)   cleansing,   stimulating,   or massaging the  
22    scalp, face, neck, arms, or shoulders[~~7--er-that-part--of--the--body~~  
23    ~~above--the-shoulders,~~] by means of the hands, devices, apparatuses,  
24    or appliances, with or without the use of cosmetic preparations,  
25    antiseptics, tonics, lotions, or creams;

26                    (5)   beautifying   the   face,   neck,   arms,   or  
27    shoulders[~~7--er-that-part-of-the-body-above-the-shoulders,~~] by the

1 use of cosmetic preparations, antiseptics, tonics, lotions,  
2 powders, oils, clays, creams, or appliances;

3 (6) cutting, trimming, polishing, tinting,  
4 coloring, cleansing, [~~er~~] manicuring, or pedicuring the nails of  
5 any person or attaching false nails;

6 (7) massaging, cleansing, treating, or  
7 beautifying the hands of any person;

8 (8) administering facial treatments;

9 (9) hair weaving;

10 (10) shampooing or conditioning hair;

11 (11) servicing a wig, toupee, or artificial  
12 hairpiece on a human head or on a block, subsequent to the initial  
13 retail sale by any of the acts, services, works, treatments, or  
14 undertakings enumerated in Section 4(b)(2) of this Act;

15 (12) advertising or holding out to the public by  
16 any manner whatsoever that any person is a barber or authorized to  
17 practice barbering;

18 (13) advertising or holding out to the public by  
19 any manner whatsoever that any location or place of business is a  
20 barber shop, specialty shop, barber school, barber college, or  
21 barber salon;

22 (14) receiving any fee, salary, compensation, or  
23 financial benefit, or the promise of any fee, salary, compensation,  
24 or financial benefit, for performing, doing, offering, or  
25 attempting to perform or do any act, work, service, or thing, which  
26 is any part of the practice of barbering as herein defined;

27 (c) "barber shop" or "barber salon" shall mean any

1 place where barbering is practiced, offered, or attempted to be  
2 practiced except when such place is duly licensed as a barber  
3 school or college;

4 (d) "board" shall mean the State Board of Barber  
5 Examiners as established and provided for in the Texas Barber Law;

6 (e) "certificate" shall mean a certificate of  
7 registration issued by the board in accordance with the provisions  
8 of this Act;

9 (f) "license" shall mean any license issued by the  
10 board in accordance with the provisions of this Act;

11 (g) "manager" shall mean any person who controls or  
12 directs the business affairs of a barber shop or directs the work  
13 of a person employed in a barber shop or both;

14 (h) "manicurist specialty shop" shall mean any place  
15 where only the practice of barbering as defined by Sections 4(b)(6)  
16 and (7) of this Act is performed for compensation;

17 (i) "permit" shall mean any permit issued by the board  
18 in accordance with the provisions of this Act;

19 (j) ~~[(i)]~~ "person" shall mean any individual,  
20 association, firm, corporation, partnership, or other legal entity;

21 (k) "specialty shop" shall mean a manicurist specialty  
22 shop or a wig specialty shop;

23 (l) "wig specialty shop" shall mean any place where  
24 only the practice of barbering as defined by Section 4(b)(11) of  
25 this Act is performed for compensation.

26 (m) ~~[(j)]~~ In addition to the foregoing definitions,  
27 the board shall have authority to define by rule any words or terms

1 necessary in the administration or enforcement of this Act.

2 SECTION 8. Section 6, Chapter 65, Acts of the 41st  
3 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
4 Texas Civil Statutes), is amended to read as follows:

5 Sec. 6. [~~EXEMPTIONS.~~] The following persons shall be exempt  
6 from the provisions of this Act, provided such persons are not  
7 represented, advertised, or held out to the public, directly or  
8 indirectly, or in any manner whatsoever, as barbers, journeymen  
9 barbers, barber technicians, or under any name, title, or  
10 designation indicating such person is authorized to practice by  
11 authority of any license or permit issued by the board:

12 (a) a doctor of medicine, doctor of osteopathic  
13 medicine, or [~~physicians,--osteopaths,--and~~] registered nurse  
14 [~~nurses~~] licensed and regulated by the State of Texas while  
15 operating within the scope of that person's license;

16 (b) commissioned or authorized medical or surgical  
17 officers of the United States Army, Navy, or Marine Hospital  
18 Service;

19 (c) persons licensed or practicing by authority of the  
20 Texas Cosmetology Commission under the provisions of Chapter 1036,  
21 Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
22 Vernon's Texas Civil Statutes), so long as such persons practice  
23 within the scope of the license or permit duly issued by the Texas  
24 Cosmetology Commission.

25 SECTION 9. Section 7, Chapter 65, Acts of the 41st  
26 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
27 Texas Civil Statutes), is amended to read as follows:

1           Sec. 7. The following shall be considered as minimum  
2 evidence satisfactory to the board that an applicant is qualified  
3 for registration as a Class A registered barber:

4           (a) being at least 16 [~~16-1/2~~] years of age;

5           (b) successfully passing a written and practical  
6 examination demonstrating to the satisfaction of the board the  
7 applicant's fitness and competence to practice the art and science  
8 of barbering.

9           SECTION 10. Section 9, Chapter 65, Acts of the 41st  
10 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
11 Texas Civil Statutes), is amended to read as follows:

12           Sec. 9. (a) Any person desiring to conduct or operate a  
13 barber school or college in this state shall first obtain a permit  
14 from the board after demonstrating that said school or college has  
15 first met the requirements of this section. Said permit shall be  
16 prominently displayed at all times at such school or college. [~~No~~  
17 ~~such-school-or-college-shall-be--approved--unless--such--school--or~~  
18 ~~college--requires--as--a--prerequisite--to--graduation--a-course-of~~  
19 ~~instruction-of-not-less-than--1,500--hours--as--determined--by--the~~  
20 ~~board,--to--be--completed--within--a--period--of-not-less-than-nine~~  
21 ~~months,--for-a-Class-A-certificate,--and-at-least-800-hours--of--such~~  
22 ~~course--of--instruction--shall-be-in-the-actual-practice-of-cutting~~  
23 ~~hair-as-a-primary-service-in-accordance--with--the--definition--set~~  
24 ~~forth-in-Section-4(b)(3)-of-this-Act.~~ ]

25           (b) No certificate or permit shall be issued as provided for  
26 herein to an applicant to be a student in such a school or college  
27 unless said applicant has completed at least a seventh grade

1 education and such other requirements as shall be specified by the  
2 board. Each applicant to be a student must submit an enrollment  
3 application to the board in the form prescribed by the board. The  
4 application must be accompanied by a nonrefundable application fee  
5 set by the board in an amount not to exceed \$25. A separate  
6 application is required for each enrollment, reenrollment, or  
7 transfer enrollment. However, the application fee applies only to  
8 the first enrollment and may not be charged for any later  
9 enrollment, reenrollment, or transfer enrollment.

10 (c) The board may not approve a barber school or college  
11 unless the school or college requires the following hours of  
12 instruction as a prerequisite for graduation:

13 (1) Class A barber--1,500 hours of instruction  
14 completed in a course of not less than nine months, with not less  
15 than 800 hours in the actual practice of cutting hair as a primary  
16 service;

17 (2) barber technician--300 hours of instruction  
18 completed in a course of not less than eight weeks;

19 (3) wig instructor--200 hours of instruction completed  
20 in a course of not less than eight weeks;

21 (4) wig specialist--300 hours of instruction completed  
22 in a course of not less than eight weeks;

23 (5) manicurist--300 hours of instruction completed in  
24 a course of not less than eight weeks; and

25 (6) teacher--1,000 hours of instruction completed in a  
26 course of not less than six months.

27 (d) If a school or college offers a refresher course, that



1 course must require at least 300 hours of instruction. The board  
 2 by rule shall set the curriculum for a refresher course.  
 3 [Provided,---however,---that---any---person---licensed---as---a---Class---A  
 4 registered---barber---or---registered---assistant---barber---as---of---the  
 5 effective-date-of-this-Act-shall-be-considered-qualified-to-perform  
 6 any---acts---or---services---within---the---scope---of---the---definition-of  
 7 barbering---and---shall---be---entitled---to---any---or---all---licenses,  
 8 certificates,---or---permits-which-the-board-is-authorized-to-issue-on  
 9 payment---of---the---required---fees---but---without---meeting---further  
 10 educational-or-experience-requirements.]

11 (e) A barber school or college shall submit a monthly  
 12 progress report to the board regarding each student in attendance  
 13 at the school or college. The report must certify the daily  
 14 attendance record of the student and the number of credit hours  
 15 earned by the student during the previous month. The school or  
 16 college may not increase, decrease, or withhold for any reason the  
 17 number of credit hours earned by a student. On completion by a  
 18 student of a prescribed course of instruction, the school or  
 19 college shall certify to the board that the student has completed  
 20 the required number of hours and is eligible to take the  
 21 appropriate examination.

22 (f) [(b)] Such schools or colleges shall instruct students  
 23 in the theory and practice of such subjects as may be necessary and  
 24 beneficial in the practice of barbering, including the following:

25 (1) all laws governing the practice of barbering in  
 26 this state;

27 (2) scientific fundamentals of barbering;

- 1           (3)   hygienic bacteriology;~~[7]~~
- 2           (4)   histology of the hair, skin, muscles, and nerves;
- 3           (5)   the structure of the head, neck and face;
- 4           (6)   elementary chemistry relating to sterilization and
- 5   antiseptics;
- 6           (7)   common disorders of the skin and hair;
- 7           (8)   massaging muscles of the scalp, face, and neck;
- 8           (9)   hair-cutting;
- 9           (10)  shaving, shampooing, and bleaching and dyeing of
- 10   the hair;
- 11           (11)  manicuring, administering facial treatments, hair
- 12   weaving, servicing wigs; and~~[7-er]~~
- 13           (12)  any other skills, techniques, services,
- 14   treatments, or undertakings within the definition of the practice
- 15   of barbering provided for in this Act.

16           (g) ~~[+e]~~ No barber school or college which issues "Class A"  
17   certificates shall be approved by the Board for the issuance of a  
18   permit unless said school or college has the following:

- 19           (1) An adequate school site housed in a substantial
- 20   building of a permanent-type construction containing a minimum of
- 21   not less than two thousand, eight hundred (2,800) square feet of
- 22   floor space. Such space shall be divided into the following
- 23   separate departments: a senior department, a junior department, a
- 24   class theory room, a supply room, an office space, a dressing and
- 25   cloak room, and two (2) sanitary, modern separate rest rooms,
- 26   equipped with one (1) commode each and a urinal in one (1) rest
- 27   room.

1                   (2) A hard-surface floor covering of tile or other  
2                   suitable material.

3                   (3) A minimum of twenty (20) modern barber chairs with  
4                   cabinet and mirror for each chair.

5                   (4) One (1) lavatory in back of each two (2) chairs.

6                   (5) A liquid sterilizer for each chair.

7                   (6) An adequate number of latherizers, vibrators, and  
8                   hair dryers for the use of students.

9                   (7) Adequate lighting of all rooms.

10                  (8) At least twenty (20) classroom chairs, a  
11                  blackboard, anatomical charts of the head, neck and face, and one  
12                  (1) barber chair in the class theory room.

13                  (9) A library and library facilities available to  
14                  students, containing a medical dictionary and a standard work on  
15                  the human anatomy.

16                  (10) Adequate drinking fountain facilities, but at  
17                  least one (1) to each floor.

18                  (11) Adequate toilet facilities for the students.

19                  (12) Adequate fire-fighting equipment to be maintained  
20                  in case of emergency.

21                  (h) [~~d~~] Anything to the contrary in this Act  
22                  notwithstanding, each such school shall place a sign on the front  
23                  outside portion of its building in a prominent place. Such sign  
24                  shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum  
25                  size of ten-inch block letters. Printed signs containing the  
26                  foregoing information shall be prominently displayed upon each  
27                  inside wall of the establishment.

1            (i) [(e)] A minimum of five (5) hours a [one-hour-periods-of  
2 each] week must [shall] be devoted to the instruction of theory in  
3 the classroom, with Saturdays [being] devoted exclusively to  
4 practical work over the chair. If classes are conducted five (5)  
5 days a week, one (1) hour each day must be devoted to instruction  
6 in theory. If classes are conducted four (4) days a week, one (1)  
7 hour and fifteen (15) minutes each day must be devoted to  
8 instruction in theory. An attendance record book must be  
9 maintained by the school showing a record of the students' daily  
10 attendance. These records are subject to inspection at any and all  
11 times by the Board.

12           (j) [(f)] No barber school or college which issues "Class A"  
13 certificates shall be approved by the Board unless it is under the  
14 direct supervision and control of a barber who holds a current  
15 registered "Class A" certificate to practice barbering under the  
16 Texas Barber Law, and who can show evidence of at least five (5)  
17 years experience as a practicing barber. Each school shall have at  
18 least one (1) teacher who has a teacher's certificate issued by the  
19 Board upon examination and who is capable and qualified to teach  
20 the curriculum outlined herein to the students of such school. All  
21 such teachers are required to obtain a teacher's certificate from  
22 the Board and, in addition to requirements set forth by the Board,  
23 must meet the following requirements:

24                    (1) Demonstrate their ability to teach the said  
25 curriculum outlined herein through a written and practical test to  
26 be given by the Board.

27                    (2) Hold a current certificate as a registered "Class

1 A" barber under this law.

2 (3) Demonstrate to the Board that such applicant is  
3 qualified to teach and instruct, to be determined at the discretion  
4 of the Board, and show evidence that the applicant has had at least  
5 six (6) months experience as a teacher in an approved school or  
6 college in Texas or in another state approved by the Board, or have  
7 completed 1,000 hours of instruction in a [six-month] postgraduate  
8 course as a student teacher in an approved barber school or college  
9 in Texas.

10 (k) A licensed barber who presents evidence satisfactory to  
11 the Board of at least five (5) years' experience as a practicing  
12 barber in a barber shop operating under a permit issued by the  
13 Board, with not less than two (2) years' experience occurring in  
14 the period immediately before application, is also entitled to  
15 apply to take the examination for a teacher's certificate.

16 Applicants desiring an examination for a teacher's certificate  
17 shall make an application to the Board and accompany same with an  
18 examination fee not to exceed \$70. A new application and fee must  
19 be presented for each examination taken by the applicant and fees  
20 paid are not refundable. A teacher's certificate shall be issued  
21 upon satisfactory completion of the examination and payment of a  
22 certificate fee not to exceed \$70 if the applicant fulfills the  
23 requirements during the period from November 1 of an odd-numbered  
24 year and extending through October 31 of the following  
25 even-numbered year or not to exceed \$35 if the applicant fulfills  
26 the requirements during the period from November 1 of an  
27 even-numbered year and extending through October 31 of the

following odd-numbered year. Teacher's certificates shall be renewed biennially on or before November 1st of odd-numbered years upon the payment of a renewal fee not to exceed \$70.

(1) [(g)] In addition to a minimum of one (1) teacher required in Subsection (j)(3) of this Section [~~paragraph--(3) above~~], each barber school or college which issues "Class A" certificates shall maintain at least one (1) qualified instructor, holding a registered "Class A" certificate, for each twenty (20) students or any fraction thereof for instruction in practical work; provided, however, that a teacher can also serve as an instructor in practical work in addition to his position as a theory teacher. A barber school or college may not enroll more than one (1) student teacher for each licensed teacher who teaches at the school or college. A student teacher must concentrate on teaching skills and may not be booked with customers. Violation of this requirement constitutes a ground for the revocation of the person's student teacher barber license.

(m) [(h)] No barber school or college shall be issued a permit to operate under the provisions of this Section until it has first furnished the following evidence to the Board:

(1) A detailed drawing and chart of the proposed physical layout of such school, showing the departments, floor space, equipment, lights and outlets.

(2) Photographs of the proposed site for such school including the interior and exterior of the building, rooms and departments.

(3) A detailed copy of the training program.

(4) A copy of the school catalog and promotional literature.

(5) A copy of the building lease or proposed building lease where the building is not owned by the school or college.

(6) A sworn statement showing the true ownership of the school or college.

(7) A permit fee not to exceed \$1,000.

(n) No such school or college shall be operated and no students shall be solicited or enrolled by it until the Board shall determine by inspection that the school has been set up and established in accordance with this Section and the proposal submitted to the Board and approved by it prior to the issuance of a permit. A barber school or college that is not approved by the Board on initial inspection is subject to reinspection by the Board. For each reinspection, the Board shall charge a reinspection fee set by the Board in an amount not to exceed \$500.

(o) Any such school or college must obtain renewal of its permit [~~certificate~~] by September 1st each year by the payment of an annual renewal fee not to exceed \$300.

(p) [~~if~~] If [~~When~~] a barber school or college changes ownership, the Board shall be notified of the transfer not later than the 10th day before the date on which the change becomes effective [~~within ten (10) days from the date of such change~~].

(q) [~~if~~] Any school or college desiring to change the location of such school or college must first obtain approval by the Board by showing that the proposed location meets the requirements of this Section.

1        (r) [~~(k)~~] If said Board refuses to issue a permit to any  
2 such school or college, such school or college may by written  
3 request demand the reasons for said refusal and if said school or  
4 college shall thereupon meet said requirements and makes a showing  
5 that the requirements of this law have been complied with, then if  
6 said Board refuses to issue said permit, a suit may be instituted  
7 by such school or college in any of the District Courts of Travis  
8 County, Texas, to require said Board to issue such permit. Any  
9 such suit must be filed within twenty (20) days after the final  
10 order of said Board refusing to issue such permit is entered,  
11 provided registered notice is mailed or it is otherwise shown that  
12 said school or college has notice within ten (10) days from the  
13 entering or making of said order.

14        (s) [~~(t)~~] In the event such school or college after a permit  
15 is issued to it violates any of the requirements of this law,  
16 either directly or indirectly, then said Board shall suspend or  
17 revoke the permit of any such school or college. Before suspending  
18 or revoking any such permit, said Board must give such school or  
19 college a hearing, notice of which hearing shall be delivered to  
20 such school or college at least twenty (20) days prior to the date  
21 of said hearing. If said Board suspends or revokes said permit at  
22 said hearing, then such school or college may file suit to prevent  
23 the same or to appeal from said order. Any and all suits filed  
24 hereunder shall be filed within twenty (20) days from the date of  
25 the order of said Board in any of the District Courts of Travis  
26 County, Texas, and not elsewhere, and the order shall not become  
27 effective until said twenty (20) days has expired.



(t) [(m)] The Attorney General or any District or County Attorney may institute any injunction proceedings or such other proceeding as to enforce the provisions of this Act, and to enjoin any barber[,-assistant-barber,] or school or college from operating without having complied with the provisions hereof, and each shall forfeit to the State of Texas the sum of Twenty-five Dollars (\$25) per day as a penalty for each day's violation, to be recovered in a suit by the District or County Attorney, and/or the Attorney General.

SECTION 11. Section 14, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. (a) Any [assistant-barber-who-is-at-least--sixteen and--one-half-years-of-age-and-who-has-a-diploma-showing-graduation from-a-seventh-grade-grammar-school,-or-an-equivalent-education--as determined--by-an-examination-conducted-by-the-Board,-and-who-has-a certificate-of-registration-as-an-assistant-barber-in--a--State--or country---which---has---substantially--the--same--requirements--for registration-as-an-assistant-barber-as-is-provided-for-by-this-Act, shall-upon-payment-of-the-required-fee-be-issued-a-permit--to--work as--an--assistant-barber-until-called-by-the-Board-of-Examiners-for examination-to-determine-his-fitness-to-receive--a--certificate--of registration-as-an-assistant-barber.--Should-such-person-be-able-to pass--the--required-examination,-he-will-be-issued-a-certificate-of registration-as-a-registered-assistant-barber,-and--that--the--time spent--in--such-other-State-or-country-as-an-assistant-barber-shall be-credited-upon-the-period-of-assistant-barber--required--by--this

Act--as--a--qualification--to--take--the--examination--to--determine--his  
fitness--to--receive--a--certificate--of--registration--as--a--registered  
barber.

[~~(b)~~--Any] person who holds a barber [~~has spent at least 30~~  
~~working days at a licensed barber school or college as a barber's~~]  
technician license issued by the Board may:

(1) perform for compensation only the practice of  
barbering defined in Sections 4(b)(4), (5), (7), (8), and (10) of  
this Act; and

(2) practice only at a location for which the Board  
has issued [~~including--the---study---of---shampooing,---shampoos,~~  
~~manipulations,--making appointments,--preparing patrons,--sterilizing~~  
~~tools,--and--the--study--of--sterilization--and--the--barber--laws--may--be~~  
~~licensed--to--practice--as--a--barber's--technician.---Any--licensed~~  
~~barber's--technician--may--assist--the--barber--in--shampooing--and~~  
~~sterilizing--in~~] a barber shop permit [~~and shall work under the~~  
~~personal supervision of a registered Class A barber~~].

(b) An applicant for a barber technician license must be at  
least 16 years of age, have completed the seventh grade or its  
equivalent, and have completed a course of instruction of not less  
than 300 hours in a period of not less than eight weeks. The  
course must include the theory and practice of the following  
subjects:

(1) all laws governing the practice of barbering in  
this state;

(2) hygienic bacteriology;

(3) histology of the skin, muscles, and nerves;

1           (4) the structure of the head, neck, and face;  
2           (5) elementary chemistry relating to sterilization and  
3 antiseptics;  
4           (6) common disorders of the skin;  
5           (7) massaging and manipulating muscles of the scalp,  
6 face, and neck;  
7           (8) shampooing;  
8           (9) administering facial treatments;  
9           (10) preparing patrons and making appointments; and  
10           (11) any other skills, techniques, services,  
11 treatments, or undertakings within the definition of the practice  
12 of barbering under Subsection (a) of this section.

13           (c) The application must be made on a form prescribed by the  
14 Board, accompanied by the \$10 administration fee. The application  
15 and fee must be filed not later than the 10th day before the date  
16 set for the examination.

17           (d) An applicant is entitled to a barber technician license  
18 if the applicant possesses the qualifications listed in Subsection  
19 (b) of this section, satisfactorily completes the examination, pays  
20 a license fee not to exceed \$70, and has not committed an act that  
21 constitutes grounds for denial of a license under this Act.

22           SECTION 12. Subsections (b) and (c), Section 15, Chapter 65,  
23 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
24 8407a, Vernon's Texas Civil Statutes), are amended to read as  
25 follows:

26           (b) An applicant for a manicurist license must be at least  
27 16 years of age, have completed the seventh grade or its

1 equivalent, and have completed 300 [~~150~~] hours instruction in  
2 manicuring.

3 (c) The application shall be made on a form prescribed by  
4 the board and a \$10 [~~\$5--manicurist~~] administration fee must  
5 accompany the application. The application and fee shall be filed  
6 at least 10 days prior to the date set for the examination.

7 SECTION 13. Chapter 65, Acts of the 41st Legislature, 1st  
8 Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
9 Statutes), is amended by adding Section 15A to read as follows:

10 Sec. 15A. (a) A person may not own, operate, or manage a  
11 manicurist specialty shop unless the person holds a manicurist  
12 specialty shop permit issued by the board. A person may operate  
13 under a temporary permit issued by the board until a permanent  
14 permit is issued.

15 (b) An applicant for a manicurist specialty shop permit must  
16 submit a written application to the board. The application must be  
17 accompanied by an inspection fee set by the board in an amount not  
18 to exceed \$50. The application must include the address of the  
19 shop, a legal description of the premises for which the permit is  
20 sought, and any other information required by the board. As soon  
21 as practicable after receipt of the application and fee, the board  
22 shall issue a temporary manicurist specialty shop permit to the  
23 applicant.

24 (c) The board shall issue a permanent manicurist specialty  
25 shop permit to an applicant who holds a valid manicurist license  
26 and whose shop meets:

27 (1) the minimum health standards required by the Texas

1 Department of Health for manicurist specialty shops, as determined  
2 by a board inspection; and

3 (2) any additional requirements imposed by board rule.

4 (d) A person who holds a manicurist specialty shop permit  
5 may maintain an establishment in which only the practice of  
6 barbering, as defined by Sections 4(b)(6) and (7) of this Act, is  
7 performed for compensation. A manicurist specialty shop may be  
8 operated only under the direction of a person who holds a valid  
9 manicurist license.

10 (e) The holder shall display the permit in a conspicuous  
11 place in the shop for which the permit is issued. A permit issued  
12 under this section is not transferable. If the ownership of a  
13 manicurist specialty shop is transferred to another person, the  
14 shop may continue in operation if the new owner applies for and  
15 obtains a new permit not later than the 30th day after the date on  
16 which ownership is transferred.

17 (f) A person who holds a license, permit, or certificate  
18 issued by the Texas Cosmetology Commission may not practice under  
19 that authority at a manicurist specialty shop regulated under this  
20 Act.

21 (g) A permit issued under this section expires July 1 of  
22 each odd-numbered year. A holder may renew the permit by  
23 submitting a renewal application to the board, accompanied by a  
24 renewal fee set by the board not to exceed \$50.

25 (h) A holder of a permit issued under this section may move  
26 the manicurist specialty shop to a different location if the holder  
27 receives board approval of the new location. The holder must

1 notify the board of the move not later than the 10th day before the  
2 date on which the move is scheduled to occur.

3 SECTION 14. Section 16, Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
5 Texas Civil Statutes), is amended to read as follows:

6 Sec. 16. (a) A person holding a wig specialist license  
7 issued by the board may perform for compensation only the practice  
8 of barbering defined in Section 4(b)(11) of this Act.

9 (b) An applicant for a wig specialist license must be at  
10 least 16 years of age, have completed the seventh grade or its  
11 equivalent, and have completed 300 hours of instruction in the care  
12 and treatment of wigs.

13 (c) The application shall be made on a form prescribed by  
14 the commission and a \$10 [\$5] administration fee must accompany the  
15 application. The application and fee must be filed at least 10  
16 days prior to the date set for the examination.

17 (d) The applicant is entitled to a wig specialist license if  
18 he possesses the qualifications enumerated in Subsection (b) of  
19 this section, satisfactorily completes the examination, pays a  
20 license fee not to exceed \$30, and has not committed an act which  
21 constitutes grounds for revocation of a license under this Act.

22 [ (e) -- Any -- person -- who -- at -- the -- time -- this -- Act -- takes -- effect -- holds  
23 a -- cosmetology -- license -- or -- manicurist -- license -- issued -- by -- the  
24 cosmetology -- commission -- may -- make -- application -- for -- and -- upon -- paying -- the  
25 fee -- be -- granted -- a -- manicurist -- license -- by -- the -- barber -- board -- without  
26 examination. ]

27 SECTION 15. Section 18, Chapter 65, Acts of the 41st

Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18. (a) A person may not own, operate, or manage a wig specialty shop unless the person holds a wig specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued. [A-person holding-a-wig-salon-license-issued-by-the--board--may--maintain--an establishment-in-which-only-the-practice-of-barbering-as-defined-in Section-4(b)(1)-of-this-Act-is-performed-for-compensation.]

(b) An applicant for a wig specialty shop permit must submit a written application to the board. The application must be accompanied by an inspection fee set by the board in an amount not to exceed \$50. The application must include the address of the shop, a legal description of the premises for which the permit is sought, and any other information required by the board. As soon as practicable after receipt of the application and fee, the board shall issue a temporary wig specialty shop permit to the applicant. [An--applicant--for-a-wig-salon-license-shall-submit-an-application on-a-form-prescribed-by-the-board--The-application--shall--contain proof--of--the-particular-requisites-for-a-wig-salon-as-established by-the-board-and-shall-be-verified-by-the-applicant.]

(c) The board shall issue a permanent wig specialty shop permit to an applicant who holds a valid wig specialist license and whose shop meets:

(1) the minimum health standards required by the Texas Department of Health for wig specialty shops, as determined by a board inspection; and

1           (2) any additional requirements imposed by board rule.

2           (d) A person who holds a wig specialty shop permit may  
3 maintain an establishment in which only the practice of barbering,  
4 as defined by Section 4(b)(11) of this Act, is performed for  
5 compensation. A wig specialty shop may be operated only under the  
6 direction of a person who holds a valid wig specialist license.

7           (e) The holder shall display the permit in a conspicuous  
8 place in the shop for which the permit is issued. A permit issued  
9 under this section is not transferable. If the ownership of a wig  
10 specialty shop is transferred to another person, the shop may  
11 continue in operation if the new owner applies for and obtains a  
12 new permit not later than the 30th day after the date on which  
13 ownership is transferred.

14           (f) A person who holds a license, permit, or certificate  
15 issued by the Texas Cosmetology Commission may not practice under  
16 that authority at a wig specialty shop regulated under this Act.

17           (g) A permit issued under this section expires July 1 of  
18 each odd-numbered year. A holder may renew the permit by  
19 submitting a renewal application to the board, accompanied by a  
20 renewal fee set by the board not to exceed \$50.

21           (h) A holder of a permit issued under this section may move  
22 the wig specialty shop to a different location if the holder  
23 receives board approval of the new location. The holder must  
24 notify the board of the move not later than the 10th day before the  
25 date on which the move is scheduled to occur. [The--applicant--is  
26 entitled-to-a-wig-salon-license-if-the-application-shows-compliance  
27 with--the--rules-and-regulations-of-the-board,-a-license-fee-not-to



1    ~~exceed \$50 is paid, and such applicant has not committed an act~~  
 2    ~~which constitutes grounds for revocation of a license under this~~  
 3    ~~Act.]~~

4            SECTION 16. Section 18.1, Chapter 65, Acts of the 41st  
 5    Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 6    Texas Civil Statutes), is amended to read as follows:

7            Sec. 18.1. (a) A person holding a wig school permit  
 8    [~~license~~] issued by the board may maintain an establishment in  
 9    which only the practice of barbering as defined in Section 4(b)(11)  
 10   of this Act is taught for compensation.

11           (b) An applicant for a wig school permit [~~license~~] shall  
 12   submit an application on a form prescribed by the board. The  
 13   application shall contain proof of the particular requisites for a  
 14   wig school as established by the board and shall be verified by the  
 15   applicant.

16           (c) The applicant is entitled to a wig school permit  
 17   [~~license~~] if the application shows compliance with the rules and  
 18   regulations of the board, a \$100 permit [~~license~~] fee is paid, and  
 19   applicant has not committed an act which constitutes grounds for  
 20   revocation of a license or permit under this Act.

21           SECTION 17. Section 19, Chapter 65, Acts of the 41st  
 22   Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 23   Texas Civil Statutes), is amended to read as follows:

24           Sec. 19. Every holder of a certificate of registration or  
 25   license issued by the board shall display the original certificate  
 26   or license, together with an attached photograph of the certificate  
 27   holder or licensee, [it] in a conspicuous place adjacent to or near

1 the certificate holder's or licensee's [his] work-chair in the shop  
2 in which the certificate holder or licensee [he] is working or  
3 employed.

4 SECTION 18. Section 20, Chapter 65, Acts of the 41st  
5 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 20. (a) Each certificate of registration or license  
8 issued under this Act expires two years from the date of issuance.  
9 Each registered Class A barber, barber technician, teacher, wig  
10 instructor, wig specialist, manicurist, or other licensed  
11 specialist who continues in active practice or service must renew  
12 the certificate or license on or before the expiration date. The  
13 Board shall issue a renewal certificate or license on receipt of a  
14 renewal application in the form prescribed by the Board,  
15 accompanied by the renewal fee set by the Board in the amount for  
16 an original certificate or license, but not to exceed \$70. [Every  
17 registered-Class-A-barber-and-barber-technician--who--continues--in  
18 active---practice---or---service---shall---renew---his---certificate---of  
19 registration-on-or-before-November-1-of--odd-numbered--years---The  
20 Board--of-Barber-Examiners-shall-issue-the-renewal-certificate-upon  
21 payment-of-a--biennial--renewal--fee--not--to--exceed--\$70.---Every  
22 certificate--of--registration--which--has-not-been-renewed-prior-to  
23 that-date-shall-expire-on-November-1-of-that-year.]

24 (b) A Class A registered barber or other licensee, whose  
25 certificate of registration or license has expired, may, within 30  
26 days thereafter, and not later, have his certificate of  
27 registration or license restored by applying to the Board and

1 paying the biennial renewal fee set by the Board [~~upon--making--a~~  
 2 ~~satisfactory--showing--to--the--Board,--supported--by--his--personal~~  
 3 ~~affidavit,--which--in--the--opinion--of--the--Board,--will--excuse--the~~  
 4 ~~applicant--for--having--failed--to--renew--his--certificate--within--the~~  
 5 ~~time--required--by--this--Act~~].

6 (c) Any registered barber or licensee whose certificate of  
 7 registration or license has been expired for not [~~who--retires--from~~  
 8 ~~the--practice--of--barbering--for--not~~] more than five (5) years may  
 9 reinstate the [~~renew--his~~] certificate of registration or license by  
 10 making proper showing to the Board, supported by his personal  
 11 affidavit, which, in the opinion of the Board, would justify the  
 12 Board in issuing a certificate or license to such applicant as upon  
 13 an original application upon payment of a fee equal to the current  
 14 amount of the original certificate or license fee, plus a  
 15 delinquency fee of \$30 for each year or part of a year that the  
 16 certificate or license has been expired [~~not--to--exceed--\$70--if--the~~  
 17 ~~applicant---applies--during--the--period--from--November--1--of--an~~  
 18 ~~odd-numbered-year--and--extending--through--October--31--of--the--following~~  
 19 ~~even-numbered-year--not--to--exceed--\$35--if--the--applicant--applies~~  
 20 ~~during--the--period--from--November--1--of--an--even-numbered-year--and~~  
 21 ~~extending--through--October--31--of--the--following--odd-numbered--year~~].

22 (d) Any registered barber or licensee who retires from [~~the~~]  
 23 practice and whose certificate of registration or license has been  
 24 expired [~~of--barbering~~] for more than five (5) years may qualify for  
 25 a new [~~renew--his~~] certificate of registration or license by making  
 26 application to the Board and by making proper showing to the Board,  
 27 supported by his personal affidavit, and by paying an examination

1 fee not to exceed \$70, passing a satisfactory examination conducted  
 2 by the Board, and paying the [~~a--license~~] fee for an original  
 3 certificate of registration or license [~~not-to-exceed-\$50-if-the~~  
 4 ~~applicant-fulfills-the-requirements-during-the-period-from-November~~  
 5 ~~1-of-an-odd-numbered-year-and-extending-through-October-31--of--the~~  
 6 ~~following--even-numbered-year-or-not-to-exceed-\$25-if-the-applicant~~  
 7 ~~fulfills-the-requirements-during-the-period-from-November-1--of--an~~  
 8 ~~even-numbered---year--and--extending--through--October--31--of--the~~  
 9 ~~following-odd-numbered-year~~].

10 SECTION 19. Section 20a, Chapter 65, Acts of the 41st  
 11 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 12 Texas Civil Statutes), is amended to read as follows:

13 Sec. 20a. Any registered barber, [~~registered---assistant~~  
 14 ~~barber---or~~] barber technician, teacher, manicurist, or wig  
 15 specialist shall not be required to renew his certificate of  
 16 registration while serving on active duty in the military, air or  
 17 naval forces of the United States, and the Board shall issue a  
 18 renewal certificate upon application and payment of a renewal fee  
 19 within ninety (90) days from the date such registered barber,  
 20 [~~registered--assistant--barber,--or~~] barber technician, teacher,  
 21 manicurist, or wig specialist is released or discharged from active  
 22 duty in the armed forces. The renewal fee shall be:

23 (1) Ten Dollars (\$10) if the application and payment  
 24 is made during the period from November 1 of an odd-numbered year  
 25 and extending through October 31 of the following even-numbered  
 26 year;

27 (2) Five Dollars (\$5) if the application and payment

1 is made during the period from November 1 of an even-numbered year  
2 and extending through October 31 of the following odd-numbered  
3 year.

4 SECTION 20. Section 21, Chapter 65, Acts of the 41st  
5 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 21. The board shall either refuse to issue or to renew,  
8 or shall suspend or revoke any certificate of registration or  
9 license for any one of, or a combination of the following causes:

10 (A) Gross malpractice;

11 (B) Continued practice by a person knowingly having an  
12 infectious or contagious disease;

13 (C) Advertising by means of knowingly making false or  
14 deceptive statements;

15 (D) Advertising, practicing, or attempting to practice  
16 under another's trade name or another's name;

17 (E) Habitual drunkenness or habitual addiction to the  
18 use of morphine, cocaine, or other habit-forming drugs;

19 (F) The commission of any of the offenses described in  
20 Section 24 of this Act;

21 (G) No certificate or license shall be issued or  
22 renewed, unless and until each applicant shall present a health  
23 certificate from a regular practicing [~~medica~~] doctor of medicine  
24 or doctor of osteopathic medicine showing that the applicant is  
25 free from any kind of infectious or contagious diseases,  
26 tuberculosis, communicable diseases, and free from the use of any  
27 kind of morphine, cocaine, or other habit-forming drug, or a

1 habitual drunkard and that said applicant shall make affidavit to  
2 said medical examiner that all of the said facts are true.

3 SECTION 21. Section 22(a), Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
5 Texas Civil Statutes), is amended to read as follows:

6 (a) If a barber inspector believes that any of the grounds  
7 specified in Section 21 exist, or that the holder of a certificate,  
8 license, or permit has failed to comply with any of the  
9 requirements of this Act, he shall notify the holder of the  
10 certificate, license, or permit of that fact and summons him to  
11 appear for hearing as provided in this section. The hearing shall  
12 be had not less than twenty (20) days after notification in writing  
13 to the holder of the certificate, license, or permit, specifying  
14 the violation or non-compliance alleged. For the purpose of  
15 hearing such cases concurrent jurisdiction is vested in the county  
16 court of the county where the holder of the certificate, license,  
17 or permit resides and in the county court of the county where the  
18 violation allegedly occurred. The court may administer oaths and  
19 may issue subpoenas for the attendance of witnesses and the  
20 production of relative books and papers. The holder of the  
21 certificate, license, or permit shall have the right to be  
22 represented by counsel. At the hearing, the board shall be  
23 represented by the attorney general, district attorney, or county  
24 attorney. At such a hearing the issue to be determined is whether  
25 any grounds exist under Section 21 for denial, refusal to renew,  
26 suspension, or revocation of the certificate, license, or permit.  
27 The judge who presides at the hearing shall report his finding to

the board, which may, if the finding warrants, deny, suspend, revoke, or refuse to renew the certificate, license, or permit.

SECTION 22. Subsections (b) and (c), Section 23, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The fees to be paid to the Board by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering[~~7--to-practice-as-an-assistant barber7~~] or to practice as a barber technician shall be \$10.

(c) The fees to be paid to the Board by an applicant who has satisfactorily passed the examination and complied with the other provisions of this Act to receive a certificate of registration to practice barbering[~~7--to-practice-as-an--assistant--barber7~~] or to practice as a barber technician shall be set by the Board in an amount not to exceed \$70[~~-~~

[~~{1}--an-amount-not-to--exceed--\$70--if--the--applicant fulfills--the--requirements-during-the-period-from-November-1-of-an odd-numbered-year-and-extending-through-October-31-of-the-following even-numbered-year7--or~~

[~~{2}--an-amount-not-to--exceed--\$35--if--the--applicant fulfills--the--requirements-during-the-period-from-November-1-of-an even-numbered--year--and--extending--through--October--31--of---the following-odd-numbered-year~~].

SECTION 23. Section 24, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

1           Sec. 24. Each of the following offenses shall constitute a  
2 misdemeanor punishable upon conviction in a court of competent  
3 jurisdiction by a fine of not less than twenty-five dollars  
4 (\$25.00) nor more than two hundred dollars (\$200.00).

5           (A) The violation of any of the provisions of Sections  
6 1, 2, or 3~~[7--and-5]~~ of this Act;

7           (B) Permitting any person in one's employ,  
8 supervision, or control to practice as a barber or other licensee  
9 ~~[as--an--assistant--barber,]~~ unless that person has a current  
10 certificate of registration or license issued by the board;

11           (C) Obtaining or attempting to obtain a certificate of  
12 registration or license by fraudulent representation;

13           (C-1) For anyone who owns, operates or manages a  
14 barber school or college to work a chair or to permit teachers,  
15 student teachers ~~[instructors]~~, ~~[licensed-barbers]~~ or anyone ~~[any~~  
16 ~~one]~~ other than an enrolled student to render barbering services to  
17 the public in their said establishment;

18           (D) The willful failure to display a certificate of  
19 registration or license as required by Section 19 of this Act.

20           SECTION 24. Section 27, Chapter 65, Acts of the 41st  
21 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
22 Texas Civil Statutes), is amended to read as follows:

23           Sec. 27. (a) The State Board of Barber Examiners shall  
24 elect one of its members as president, and shall select an  
25 executive director ~~[elect-a-secretary]~~ and such other employees, as  
26 may be necessary, to carry out the provisions of this Act ~~[and~~  
27 ~~House--Bill--No--104,--Chapter--65,--Acts--of--the--Forty-first~~



1 ~~Legislature, First-Called-Session, as amended,~~ and provide for the  
2 compensation of the executive director [~~such-secretary~~] and other  
3 employees. Said Board shall maintain its office in the [~~State~~  
4 ~~Office--Building--in--the~~] City of Austin, Texas, and shall adopt  
5 rules and regulations for the transaction of the business herein  
6 provided for, including a common seal for the authentication of its  
7 orders, certificates and records. The executive director  
8 [~~secretary~~] shall keep a record of all proceedings of the Board and  
9 shall be the custodian of all such records and shall receive and  
10 receipt for all money collected by the Board. All money so  
11 received shall be immediately deposited with the State Treasurer,  
12 who shall credit same to a special fund to be known as "State Board  
13 of Barber Examiners Fund," which money shall be drawn from said  
14 special fund upon claims made therefor by the Board to the  
15 Comptroller; and if found correct, to be approved by him and  
16 vouchers issued therefor, and countersigned and paid by the State  
17 Treasurer, which special fund is [~~hereby-appropriated~~] for the  
18 purpose of carrying out all the provisions of this Act. Annually  
19 at the close of business on August 31st of each year, a complete  
20 report of the business transaction by the Board showing all  
21 receipts and disbursements shall be made by the Board to the  
22 Governor of the State of Texas. The State Auditor shall audit the  
23 financial transactions of the Board at least once every two fiscal  
24 years.

25 (b) The executive director [~~secretary~~] shall give a surety  
26 bond, payable to the State of Texas in the sum of Five Thousand  
27 Dollars (\$5,000), conditioned for the faithful performances of the

1    [~~his~~] duties as executive director [~~secretary~~], to be approved by  
2    the Board and filed with the State Comptroller. A majority of the  
3    Board in meetings duly assembled may perform and exercise all the  
4    duties and powers devolving upon the Board.

5        (c) The compensation of the members of the Board shall be a  
6    per diem as set by the General Appropriations Act, and in addition  
7    to the per diem provided for herein, they shall be entitled to  
8    traveling expenses in accordance with the appropriate provisions of  
9    the General Appropriations Act. Each Board member shall make out,  
10   under oath, a complete itemized statement of the number of days  
11   engaged and the amount of his expenses when presenting same for  
12   payment.

13        SECTION 25. Section 27a(a), Chapter 65, Acts of the 41st  
14   Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
15   Texas Civil Statutes), is amended to read as follows:

16        (a) No barber inspector or other employee of the State Board  
17   of Barber Examiners may sell barber supplies or engage in any other  
18   business which deals directly with barbers, barber shops, specialty  
19   shops, or barber schools except that he may engage in the practice  
20   of barbering.

21        SECTION 26. Section 28(a), Chapter 65, Acts of the 41st  
22   Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
23   Texas Civil Statutes), is amended to read as follows:

24        (a) The Texas [~~State~~] Board of Health shall make, establish  
25   and promulgate reasonable sanitary rules and regulations for the  
26   conduct of barber shops, specialty shops, and barber schools. The  
27   State Board of Barber Examiners, by and through the Texas

1    Department of Health [~~Health--Department-of-the-State-of-Texas~~],  
2    shall have authority, and it is made its duty to enter upon the  
3    premises of all barber shops, specialty shops, barber schools or  
4    any place where any of its certificate holders or licensees are  
5    practicing or performing any service, act or treatment by authority  
6    of any certificate or license issued by the board and inspect same  
7    at any time during business hours. A copy of such sanitary rules  
8    and regulations adopted by the Texas Board of Health shall be  
9    furnished to the executive director [~~Secretary~~] of the State Board  
10   of Barber Examiners who shall in turn forward to each barber,  
11   barber school or licensee of the board a copy of such rules and  
12   regulations. A copy of the sanitary rules and regulations  
13   promulgated and adopted by the Texas [~~State~~] Board of Health shall  
14   be posted in barber shops, specialty shops, and barber schools in  
15   this State. Subject only to the authority of the Texas [~~State~~]  
16   Board of Health to make and promulgate reasonable rules and  
17   regulations as to sanitation, the State Board of Barber Examiners  
18   shall have full authority and power to make and enforce all rules  
19   and regulations necessary for the performance of its duties, to  
20   establish standards of conduct and ethics for all persons licensed  
21   or practicing under the provisions of this Act, and to regulate the  
22   practice and teaching of barbering in all of its particulars in  
23   keeping with the purposes and intent of this Act or to insure  
24   strict compliance with and enforcement of this Act.

25        SECTION 27. Section 29, Chapter 65, Acts of the 41st  
26   Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
27   Texas Civil Statutes), is amended to read as follows:

1        Sec. 29. The Board shall keep a record of its proceedings  
2 relating to the issuance, refusal, renewal, suspension, and  
3 revocation of certificates of registration, licenses, or permits.  
4 This record shall also contain the name, place of business, and  
5 residence of each registered barber, licensee, or permittee [~~and~~  
6 ~~registered--assistant--barber~~], and the date and number of his  
7 certificate of registration, license, or permit. This record shall  
8 be open to public inspection at all reasonable times.

9        SECTION 28. Section 29A, Chapter 65, Acts of the 41st  
10 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
11 Texas Civil Statutes), is amended to read as follows:

12        Sec. 29A. (a) The State Board of Barber Examiners shall  
13 keep an information file about each complaint filed with the board  
14 relating to licensees, permittees, or certificate holders under  
15 this Act.

16        (b) If a written complaint is filed with the State Board of  
17 Barber Examiners relating to a licensee, permittee, or certificate  
18 holder under this Act, the board, at least as frequently as  
19 quarterly, shall notify the complainant of the status of the  
20 complaint until the complaint is finally resolved.

21        SECTION 29. Chapter 65, Acts of the 41st Legislature, 1st  
22 Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
23 Statutes), is amended by adding Section 29E to read as follows:

24        Sec. 29E. A barber shop, specialty shop, or barber school  
25 permit that has been expired for more than 30 days may be renewed  
26 by filing a renewal application with the board, accompanied by the  
27 regular renewal fee, and a delinquency fee of \$30 for each year or

1 part of a year that the permit has been expired.

2 SECTION 30. (a) This Act takes effect September 1, 1989.

3 (b) This Act applies only to a license, certificate, or  
4 permit issued or renewed by the State Board of Barber Examiners on  
5 or after September 1, 1989. A license, certificate, or permit  
6 issued or renewed before that date is covered by the law in effect  
7 on the date that the license, certificate, or permit was issued or  
8 renewed, and the prior law is continued in effect for this purpose.

9 (c) A person who on the effective date of this Act holds a  
10 cosmetology license or manicurist license issued by the Texas  
11 Cosmetology Commission is entitled to a manicurist license issued  
12 by the State Board of Barber Examiners on application to that  
13 board.

14 SECTION 31. The importance of this legislation and the  
15 crowded condition of the calendars in both houses create an  
16 emergency and an imperative public necessity that the  
17 constitutional rule requiring bills to be read on three several  
18 days in each house be suspended, and this rule is hereby suspended.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 20, 1989

TO: Honorable Brad Wright, Chair  
Committee on Public Health  
House of Representatives  
Austin, Texas

In Re: House Bill No. 460  
By: Eckels

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 460 (relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would allow the agency to charge a barber or licensee, where certificate of registration or license has been expired for not more than five years, a delinquency fee for each year or part of a year that the certificate has been expired.

The bill would allow the agency to charge an application fee for a student enrolling at a barber school. Also, should that student transfer or reenroll, an additional fee could be charged.

A school that does not pass its initial compliance inspection, as a prerequisite for issuance of a school permit, could be charged a reinspection fee.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Revenue Gain to the Barber Examiners Fund No. 40</u>	<u>Probable Cost of the Barber Examiners Fund No. 40</u>	<u>Change in Number of State Employees from FY 1989</u>
1990	\$97,000	\$51,232	+ 1
1991	80,000	39,832	+ 1
1992	80,000	39,832	+ 1
1993	80,000	39,832	+ 1
1994	80,000	39,832	+ 1

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: State Board of Barber Examiners; Cosmetology Commission;  
LBB Staff: JO, JWH, AL, ML, LV

# SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby  
President of the Senate

May 19, 1989  
(date)/(time)

Sir:

We, your Committee on ECONOMIC DEVELOPMENT to which was referred  
HB 460 by Eckels have on 5/19, 1989, had the same  
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure modified

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Harris, Chairman	✓			
Green, Vice Chairman				✓
Bivins	✓			
Carriker	✓			
Dickson				✓
Haley	✓			
Henderson				✓
Leedom	✓			
Ratliff				✓
Sims	✓			
Whitmire				✓
TOTAL VOTES	6	1	1	5

Carol Wif-  
COMMITTEE CLERK

Harris  
CHAIRMAN

By: Eckels (Senate Sponsor - Montford) H.B. No. 460  
(In the Senate - Received from the House April 12, 1989;  
April 13, 1989, read first time and referred to Committee on  
Economic Development; May 19, 1989, reported favorably by the  
following vote: Yeas 6, Nays 0; May 19, 1989, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Harris	x			
Green				x
Bivins	x			
Carriker	x			
Dickson				x
Haley	x			
Henderson				x
Leedom	x			
Ratliff				x
Sims	x			
Whitmire				x

A BILL TO BE ENTITLED  
AN ACT

relating to the practice of barbering and to the regulation of  
certain persons by the State Board of Barber Examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (b), Article 8402, Revised  
Statutes, are amended to read as follows:

(a) Every person, firm, or corporation owning, operating or  
managing a barber shop or specialty shop shall register his full  
name and the location of said shop with the State Board of Barber  
Examiners and must hold a permit for that shop. An applicant for a  
barber shop permit or specialty shop permit must ~~[each owner,~~  
~~operator or manager of a barber shop that is first opened for~~  
~~business hereafter shall within three days after the opening of~~  
~~such shop]~~ submit an application to the barber board for the  
appropriate ~~[a barber shop]~~ permit.

(b) In order that the public may fix responsibility for  
services, acts, or treatments performed by persons licensed by the  
State Board of Barber Examiners vis-a-vis those performed by  
persons licensed by the Texas Cosmetology Commission, to promote  
the efficient and orderly administration of laws regulating barbers  
and the practice of barbering and the laws regulating  
cosmetologists and the practice of cosmetology and to avoid  
confusion of the public as well as avoiding conflicts of  
jurisdiction between such board and commission which might impede  
effective administration or enforcement of the laws under their  
respective jurisdictions ~~[from and after January 31, 1980]~~:

(1) a person licensed by the barber board may practice  
~~[barbering]~~ only at a location for which the board has issued a  
barber shop permit, specialty shop permit, barber school or college  
permit, or any other permit. If the State Board of Barber  
Examiners and the Texas Cosmetology Commission license the same  
facility, the board may not adopt rules restricting or prohibiting  
the practice by a Class A barber, manicurist, or wig specialist in  
the facility; and

(2) a person licensed by the cosmetology commission  
may practice cosmetology only at a location for which the  
commission has issued a beauty shop license, private beauty culture  
school license, or any other license. If the State Board of Barber  
Examiners and the Texas Cosmetology Commission license the same  
facility, the commission may not adopt rules restricting or  
prohibiting the practice by a cosmetologist in the facility.

SECTION 2. Article 8403, Revised Statutes, is amended to  
read as follows:

Art. 8403. EQUIPMENT. The owner, operator or manager of any  
barber shop, specialty shop, or barber school ~~[or beauty parlor]~~  
shall equip and keep equipped the same with facilities and supplies  
and with all such appliances, furnishings and materials as may be



1 necessary to enable persons employed in and about the same to  
2 comply with the law.

3 SECTION 3. Article 8404, Revised Statutes, is amended to  
4 read as follows:

5 Art. 8404. EMPLOYEE [EMPLOYEE] WITH DISEASE. No owner,  
6 operator or manager of a barber shop, specialty shop, or barber  
7 school [~~or--a--beauty--parlor~~] shall knowingly permit any person  
8 suffering from a communicable skin disease or from a venereal  
9 disease to act as a barber or employee [~~employee~~] or work or be  
10 employed in the [~~said~~] shop or school [~~parlor~~]. No person who to  
11 his own knowledge is suffering from a communicable disease or from  
12 venereal disease shall act as a barber or work or be employed in a  
13 [~~said~~] shop or school [~~parlor~~].

14 SECTION 4. Article 8405, Revised Statutes, is amended to  
15 read as follows:

16 Art. 8405. CLEANLINESS. Every person in charge of a barber  
17 shop, specialty shop, or barber school [~~beauty-parlor~~] shall keep  
18 the [~~said~~] shop or school [~~parlor~~] and all furniture, tools,  
19 appliances and other equipment used therein at all times in a clean  
20 [~~cleanly~~] condition, and shall cause all combs, hair brushes, [~~hair~~  
21 ~~dusters~~] and similar articles used therein to be washed thoroughly  
22 at least once a day and to be kept clean at all times, and shall  
23 cause all mugs, shaving brushes, razors, shears, scissors, clippers  
24 and tweezers used therein to be sterilized at least once after each  
25 time used as hereinafter provided. The term "persons affected by  
26 this chapter" shall include any person working or employed in a  
27 barber shop, specialty shop, or barber school [~~beauty-parlor~~] or  
28 acting as a barber, wig [~~beauty~~] specialist, or manicurist. Every  
29 barber or other person affected by this chapter, immediately after  
30 using a mug, shaving brush, razor, scissors, shears, clippers, or  
31 tweezers, for the service of any person, shall sterilize the same  
32 by immersing it in boiling water for not less than a minute, or in  
33 the case of a razor, scissors, shears or tweezers, by immersing it  
34 for not less than ten minutes in a five per cent aqueous solution  
35 of carbolic acid. No barber or other person affected by this  
36 chapter shall:

37 1. Use for the service of any customer a comb, hair  
38 brush, [~~hair-duster~~] or any similar article that is not thoroughly  
39 clean, nor any mug, shaving brush, razor, shears, scissors,  
40 clippers, or tweezers, that are not thoroughly clean or that have  
41 not been sterilized since last used.

42 2. Serve any customer unless he shall immediately  
43 before such service cleanse his hands thoroughly.

44 3. Use for the service of a customer any towel or wash  
45 cloth that has not been [~~beiled-and~~] laundered since last used.

46 4. To stop the flow of blood use the same piece of  
47 alum or other material for more than one person.

48 5. Shave any person when the surface to be shaved is  
49 inflamed or broken out or contains pus [~~--unless-such-person-be~~  
50 ~~provided-with-a-cup--razer-and--lather--brush--for--his--individual~~  
51 ~~use~~].

52 6. Permit any person to use the head rest of any  
53 barber's chair under his control until after the head rest has been  
54 covered with a towel that has been laundered [~~washed--and--beiled~~]  
55 since having been used before, or by clean new paper or similar  
56 clean substance.

57 7. Use a powder puff or a sponge in the service of a  
58 customer unless it has been sterilized since last used.

59 8. Use a finger bowl unless it has been sterilized  
60 since last used and fresh water or other liquid placed therein.

61 9. Serve a customer without the use of a sanitized  
62 neck strip, cloth towel, or paper towel between the customer and  
63 the chair cloth.

64 10. Use a hair duster in providing services for any  
65 customer.

66 SECTION 5. Article 8406, Revised Statutes, is amended to  
67 read as follows:

68 Art. 8406. CERTAIN OTHER USES PROHIBITED; EXCEPTION [NO  
69 PLACE-TO-SLEEP]. No owner or manager of any barber shop, specialty  
70 shop, or barber school [~~beauty-parlor~~] shall permit any person to

1 sleep in any room used wholly or in part as such shop or school  
 2 [~~parlor~~], and no person shall pursue the barber business or be  
 3 employed in a barber shop, specialty shop, or barber school [~~beauty~~  
 4 ~~parlor~~] in any room used as [a] sleeping quarters [~~apartment~~].

5 SECTION 6. Section 2, Chapter 65, Acts of the 41st  
 6 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 7 Texas Civil Statutes), is amended to read as follows:

8 Sec. 2. ~~Unless [From-and-after-the-effective--date--of--this~~  
 9 ~~Act--unless]~~ duly licensed and registered in accordance with all  
 10 laws of this state regulating the practice of barbering, no person  
 11 shall:

12 (a) practice, continue to practice, offer, or attempt  
 13 to practice barbering or any part thereof;

14 (b) directly or indirectly, employ, use, cause to be  
 15 used, or make use of any of the following terms or any  
 16 combinations, variations, or abbreviations thereof, as a  
 17 professional, business, or commercial identification, title, name,  
 18 representation, claim, asset, or means of advantage or benefit:  
 19 "barber," "barbering," "barber school," "barber college," "barber  
 20 shop," "barber salon," or "specialty shop"; or

21 (c) directly or indirectly, employ, use, cause to be  
 22 used, or make use of any letter, abbreviation, word, symbol,  
 23 slogan, sign, or any combination or variation thereof, which in any  
 24 manner whatsoever tends or is likely to create any impression with  
 25 the public or any member thereof that any person is qualified or  
 26 authorized to practice barbering or own or manage any barber shop,  
 27 specialty shop, or barber school or college.

28 SECTION 7. Section 4, Chapter 65, Acts of the 41st  
 29 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 30 Texas Civil Statutes), is amended to read as follows:

31 Sec. 4. [~~DEFINITIONS-~~] In this Act, unless the context  
 32 otherwise requires:

33 (a) "barber" shall mean any person who performs,  
 34 offers, or attempts to perform any act of barbering, professes to  
 35 do barbering or to be engaged in the practice thereof, or who  
 36 directly or indirectly or in any manner whatsoever advertises or  
 37 holds himself out as a barber or as authorized to practice  
 38 barbering;

39 (b) "barbering," "practicing barbering," or the  
 40 "practice of barbering" shall mean the performing or doing, or  
 41 offering or attempting to do or perform, any, all or any  
 42 combination of the following acts, services, works, treatments, or  
 43 undertakings:

44 (1) arranging, beautifying, coloring,  
 45 processing, shaving, styling, or trimming the mustache or beard by  
 46 any means or method;

47 (2) arranging, beautifying, bleaching,  
 48 cleansing, coloring, curling, dressing, dyeing, processing,  
 49 shampooing, shaping, singeing, straightening, styling, tinting,  
 50 waving, or otherwise treating the hair as primary services,  
 51 treatments, or undertakings by any means or method, including any  
 52 bobbing, clipping, cutting, or trimming of the hair as a necessary  
 53 incident preparatory or ancillary to such primary services;

54 (3) cutting the hair as a primary service,  
 55 treatment, or undertaking and not as a necessary incident  
 56 preparatory or ancillary to those primary services enumerated in  
 57 Section 4(b)(2), or primarily engaging in the occupation of cutting  
 58 hair or practicing primarily as a haircutter by cutting hair as a  
 59 separate and independent service, treatment, or undertaking for  
 60 which haircut a charge is made, as such, separate and apart from  
 61 any other service, treatment, or undertaking, directly or  
 62 indirectly, or in any manner whatsoever;

63 (4) cleansing, stimulating, or massaging the  
 64 scalp, face, neck, arms, or shoulders[~~--or-that-part-of-the-body~~  
 65 ~~above-the-shoulders;~~] by means of the hands, devices, apparatuses,  
 66 or appliances, with or without the use of cosmetic preparations,  
 67 antiseptics, tonics, lotions, or creams;

68 (5) beautifying the face, neck, arms, or  
 69 shoulders[~~--or--that-part-of-the-body-above-the-shoulders;~~] by the  
 70 use of cosmetic preparations, antiseptics, tonics, lotions,

1 powders, oils, clays, creams, or appliances;

2 (6) cutting, trimming, polishing, tinting,  
3 coloring, cleansing, [~~or~~] manicuring, or pedicuring the nails of  
4 any person or attaching false nails;

5 (7) massaging, cleansing, treating, or  
6 beautifying the hands of any person;

7 (8) administering facial treatments;

8 (9) hair weaving;

9 (10) shampooing or conditioning hair;

10 (11) servicing a wig, toupee, or artificial  
11 hairpiece on a human head or on a block, subsequent to the initial  
12 retail sale by any of the acts, services, works, treatments, or  
13 undertakings enumerated in Section 4(b)(2) of this Act;

14 (12) advertising or holding out to the public by  
15 any manner whatsoever that any person is a barber or authorized to  
16 practice barbering;

17 (13) advertising or holding out to the public by  
18 any manner whatsoever that any location or place of business is a  
19 barber shop, specialty shop, barber school, barber college, or  
20 barber salon;

21 (14) receiving any fee, salary, compensation, or  
22 financial benefit, or the promise of any fee, salary, compensation,  
23 or financial benefit, for performing, doing, offering, or  
24 attempting to perform or do any act, work, service, or thing, which  
25 is any part of the practice of barbering as herein defined;

26 (c) "barber shop" or "barber salon" shall mean any  
27 place where barbering is practiced, offered, or attempted to be  
28 practiced except when such place is duly licensed as a barber  
29 school or college;

30 (d) "board" shall mean the State Board of Barber  
31 Examiners as established and provided for in the Texas Barber Law;

32 (e) "certificate" shall mean a certificate of  
33 registration issued by the board in accordance with the provisions  
34 of this Act;

35 (f) "license" shall mean any license issued by the  
36 board in accordance with the provisions of this Act;

37 (g) "manager" shall mean any person who controls or  
38 directs the business affairs of a barber shop or directs the work  
39 of a person employed in a barber shop or both;

40 (h) "manicurist specialty shop" shall mean any place  
41 where only the practice of barbering as defined by Sections 4(b)(6)  
42 and (7) of this Act is performed for compensation;

43 (i) "permit" shall mean any permit issued by the board  
44 in accordance with the provisions of this Act;

45 (j) [~~+~~] "person" shall mean any individual,  
46 association, firm, corporation, partnership, or other legal entity;

47 (k) "specialty shop" shall mean a manicurist specialty  
48 shop or a wig specialty shop;

49 (l) "wig specialty shop" shall mean any place where  
50 only the practice of barbering as defined by Section 4(b)(11) of  
51 this Act is performed for compensation.

52 (m) [~~+~~] In addition to the foregoing definitions,  
53 the board shall have authority to define by rule any words or terms  
54 necessary in the administration or enforcement of this Act.

55 SECTION 8. Section 6, Chapter 65, Acts of the 41st  
56 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
57 Texas Civil Statutes), is amended to read as follows:

58 Sec. 6. [~~EXEMPTIONS-~~] The following persons shall be exempt  
59 from the provisions of this Act, provided such persons are not  
60 represented, advertised, or held out to the public, directly or  
61 indirectly, or in any manner whatsoever, as barbers, journeymen  
62 barbers, barber technicians, or under any name, title, or  
63 designation indicating such person is authorized to practice by  
64 authority of any license or permit issued by the board:

65 (a) a doctor of medicine, doctor of osteopathic  
66 medicine, or [~~physicians--osteopaths--and~~] registered nurse  
67 [nurses] licensed and regulated by the State of Texas while  
68 operating within the scope of that person's license;

69 (b) commissioned or authorized medical or surgical  
70 officers of the United States Army, Navy, or Marine Hospital

Service;

(c) persons licensed or practicing by authority of the Texas Cosmetology Commission under the provisions of Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a, Vernon's Texas Civil Statutes), so long as such persons practice within the scope of the license or permit duly issued by the Texas Cosmetology Commission.

SECTION 9. Section 7, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. The following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as a Class A registered barber:

- (a) being at least 16 [16-1/2] years of age;
- (b) successfully passing a written and practical examination demonstrating to the satisfaction of the board the applicant's fitness and competence to practice the art and science of barbering.

SECTION 10. Section 9, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. (a) Any person desiring to conduct or operate a barber school or college in this state shall first obtain a permit from the board after demonstrating that said school or college has first met the requirements of this section. Said permit shall be prominently displayed at all times at such school or college. ~~[No such school or college shall be approved unless such school or college requires as a prerequisite to graduation a course of instruction of not less than 1,500 hours as determined by the board, to be completed within a period of not less than nine months, for a Class A certificate, and at least 800 hours of such course of instruction shall be in the actual practice of cutting hair as a primary service in accordance with the definition set forth in Section 4(b) (3) of this Act.]~~

(b) No certificate or permit shall be issued as provided for herein to an applicant to be a student in such a school or college unless said applicant has completed at least a seventh grade education and such other requirements as shall be specified by the board. Each applicant to be a student must submit an enrollment application to the board in the form prescribed by the board. The application must be accompanied by a nonrefundable application fee set by the board in an amount not to exceed \$25. A separate application is required for each enrollment, reenrollment, or transfer enrollment. However, the application fee applies only to the first enrollment and may not be charged for any later enrollment, reenrollment, or transfer enrollment.

(c) The board may not approve a barber school or college unless the school or college requires the following hours of instruction as a prerequisite for graduation:

(1) Class A barber--1,500 hours of instruction completed in a course of not less than nine months, with not less than 800 hours in the actual practice of cutting hair as a primary service;

(2) barber technician--300 hours of instruction completed in a course of not less than eight weeks;

(3) wig instructor--200 hours of instruction completed in a course of not less than eight weeks;

(4) wig specialist--300 hours of instruction completed in a course of not less than eight weeks;

(5) manicurist--300 hours of instruction completed in a course of not less than eight weeks; and

(6) teacher--1,000 hours of instruction completed in a course of not less than six months.

(d) If a school or college offers a refresher course, that course must require at least 300 hours of instruction. The board by rule shall set the curriculum for a refresher course. [Provided,--however,--that--any--person--licensed--as--a--Class--A registered--barber--or--registered--assistant--barber--as--of--the effective-date-of-this-Act--shall-be-considered-qualified-to-perform any-acts--or--services--within--the--scope--of--the--definition--of

1 barbering---and---shall---be---entitled---to---any---or---all---licenses;  
 2 eertificates,--or-permits-which-the-board-is-authorized-to-issue--on  
 3 payment---of---the---required---fees--but--without--meeting--further  
 4 educational-or-experience-requirements- ]

5 (e) A barber school or college shall submit a monthly  
 6 progress report to the board regarding each student in attendance  
 7 at the school or college. The report must certify the daily  
 8 attendance record of the student and the number of credit hours  
 9 earned by the student during the previous month. The school or  
 10 college may not increase, decrease, or withhold for any reason the  
 11 number of credit hours earned by a student. On completion by a  
 12 student of a prescribed course of instruction, the school or  
 13 college shall certify to the board that the student has completed  
 14 the required number of hours and is eligible to take the  
 15 appropriate examination.

16 (f) [~~b~~] Such schools or colleges shall instruct students  
 17 in the theory and practice of such subjects as may be necessary and  
 18 beneficial in the practice of barbering, including the following:

19 (1) all laws governing the practice of barbering in  
 20 this state;

21 (2) scientific fundamentals of barbering;  
 22 (3) hygienic bacteriology;[7]  
 23 (4) histology of the hair, skin, muscles, and nerves;  
 24 (5) the structure of the head, neck and face;  
 25 (6) elementary chemistry relating to sterilization and  
 26 antiseptics;

27 (7) common disorders of the skin and hair;  
 28 (8) massaging muscles of the scalp, face, and neck;  
 29 (9) hair-cutting;  
 30 (10) shaving, shampooing, and bleaching and dyeing of  
 31 the hair;

32 (11) manicuring, administering facial treatments, hair  
 33 weaving, servicing wigs; and[7--er]

34 (12) any other skills, techniques, services,  
 35 treatments, or undertakings within the definition of the practice  
 36 of barbering provided for in this Act.

37 (g) [~~e~~] No barber school or college which issues "Class A"  
 38 certificates shall be approved by the Board for the issuance of a  
 39 permit unless said school or college has the following:

40 (1) An adequate school site housed in a substantial  
 41 building of a permanent-type construction containing a minimum of  
 42 not less than two thousand, eight hundred (2,800) square feet of  
 43 floor space. Such space shall be divided into the following  
 44 separate departments: a senior department, a junior department, a  
 45 class theory room, a supply room, an office space, a dressing and  
 46 cloak room, and two (2) sanitary, modern separate rest rooms,  
 47 equipped with one (1) commode each and a urinal in one (1) rest  
 48 room.

49 (2) A hard-surface floor covering of tile or other  
 50 suitable material.

51 (3) A minimum of twenty (20) modern barber chairs with  
 52 cabinet and mirror for each chair.

53 (4) One (1) lavatory in back of each two (2) chairs.

54 (5) A liquid sterilizer for each chair.

55 (6) An adequate number of latherizers, vibrators, and  
 56 hair dryers for the use of students.

57 (7) Adequate lighting of all rooms.

58 (8) At least twenty (20) classroom chairs, a  
 59 blackboard, anatomical charts of the head, neck and face, and one  
 60 (1) barber chair in the class theory room.

61 (9) A library and library facilities available to  
 62 students, containing a medical dictionary and a standard work on  
 63 the human anatomy.

64 (10) Adequate drinking fountain facilities, but at  
 65 least one (1) to each floor.

66 (11) Adequate toilet facilities for the students.

67 (12) Adequate fire-fighting equipment to be maintained  
 68 in case of emergency.

69 (h) [~~d~~] Anything to the contrary in this Act  
 70 notwithstanding, each such school shall place a sign on the front

outside portion of its building in a prominent place. Such sign shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum size of ten-inch block letters. Printed signs containing the foregoing information shall be prominently displayed upon each inside wall of the establishment.

(i) ~~[(e)]~~ A minimum of five (5) hours a ~~[one-hour-periods-of each]~~ week ~~must~~ ~~[shall]~~ be devoted to the instruction of theory in the classroom, with Saturdays ~~[being]~~ devoted exclusively to practical work over the chair. If classes are conducted five (5) days a week, one (1) hour each day must be devoted to instruction in theory. If classes are conducted four (4) days a week, one (1) hour and fifteen (15) minutes each day must be devoted to instruction in theory. An attendance record book must be maintained by the school showing a record of the students' daily attendance. These records are subject to inspection at any and all times by the Board.

(j) ~~[(f)]~~ No barber school or college which issues "Class A" certificates shall be approved by the Board unless it is under the direct supervision and control of a barber who holds a current registered "Class A" certificate to practice barbering under the Texas Barber Law, and who can show evidence of at least five (5) years experience as a practicing barber. Each school shall have at least one (1) teacher who has a teacher's certificate issued by the Board upon examination and who is capable and qualified to teach the curriculum outlined herein to the students of such school. All such teachers are required to obtain a teacher's certificate from the Board and, in addition to requirements set forth by the Board, must meet the following requirements:

(1) Demonstrate their ability to teach the said curriculum outlined herein through a written and practical test to be given by the Board.

(2) Hold a current certificate as a registered "Class A" barber under this law.

(3) Demonstrate to the Board that such applicant is qualified to teach and instruct, to be determined at the discretion of the Board, and show evidence that the applicant has had at least six (6) months experience as a teacher in an approved school or college in Texas or in another state approved by the Board, or have completed 1,000 hours of instruction in a [six-month] postgraduate course as a student teacher in an approved barber school or college in Texas.

(k) A licensed barber who presents evidence satisfactory to the Board of at least five (5) years' experience as a practicing barber in a barber shop operating under a permit issued by the Board, with not less than two (2) years' experience occurring in the period immediately before application, is also entitled to apply to take the examination for a teacher's certificate. Applicants desiring an examination for a teacher's certificate shall make an application to the Board and accompany same with an examination fee not to exceed \$70. A new application and fee must be presented for each examination taken by the applicant and fees paid are not refundable. A teacher's certificate shall be issued upon satisfactory completion of the examination and payment of a certificate fee not to exceed \$70 if the applicant fulfills the requirements during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year or not to exceed \$35 if the applicant fulfills the requirements during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year. Teacher's certificates shall be renewed biennially on or before November 1st of odd-numbered years upon the payment of a renewal fee not to exceed \$70.

(l) ~~[(g)]~~ In addition to a minimum of one (1) teacher required in Subsection (j)(3) of this Section [paragraph-(3) above], each barber school or college which issues "Class A" certificates shall maintain at least one (1) qualified instructor, holding a registered "Class A" certificate, for each twenty (20) students or any fraction thereof for instruction in practical work; provided, however, that a teacher can also serve as an instructor in practical work in addition to his position as a theory teacher.

1 A barber school or college may not enroll more than one (1) student  
 2 teacher for each licensed teacher who teaches at the school or  
 3 college. A student teacher must concentrate on teaching skills and  
 4 may not be booked with customers. Violation of this requirement  
 5 constitutes a ground for the revocation of the person's student  
 6 teacher barber license.

7 (m) [(h)] No barber school or college shall be issued a  
 8 permit to operate under the provisions of this Section until it has  
 9 first furnished the following evidence to the Board:

10 (1) A detailed drawing and chart of the proposed  
 11 physical layout of such school, showing the departments, floor  
 12 space, equipment, lights and outlets.

13 (2) Photographs of the proposed site for such school  
 14 including the interior and exterior of the building, rooms and  
 15 departments.

16 (3) A detailed copy of the training program.

17 (4) A copy of the school catalog and promotional  
 18 literature.

19 (5) A copy of the building lease or proposed building  
 20 lease where the building is not owned by the school or college.

21 (6) A sworn statement showing the true ownership of  
 22 the school or college.

23 (7) A permit fee not to exceed \$1,000.

24 (n) No such school or college shall be operated and no  
 25 students shall be solicited or enrolled by it until the Board shall  
 26 determine by inspection that the school has been set up and  
 27 established in accordance with this Section and the proposal  
 28 submitted to the Board and approved by it prior to the issuance of  
 29 a permit. A barber school or college that is not approved by the  
 30 Board on initial inspection is subject to reinspection by the  
 31 Board. For each reinspection, the Board shall charge a  
 32 reinspection fee set by the Board in an amount not to exceed \$500.

33 (o) Any such school or college must obtain renewal of its  
 34 permit [certificate] by September 1st each year by the payment of  
 35 an annual renewal fee not to exceed \$300.

36 (p) [(i)] If [When] a barber school or college changes  
 37 ownership, the Board shall be notified of the transfer not later  
 38 than the 10th day before the date on which the change becomes  
 39 effective [within-ten-(10)-days-from-the-date-of-such-change].

40 (q) [(j)] Any school or college desiring to change the  
 41 location of such school or college must first obtain approval by  
 42 the Board by showing that the proposed location meets the  
 43 requirements of this Section.

44 (r) [(k)] If said Board refuses to issue a permit to any  
 45 such school or college, such school or college may by written  
 46 request demand the reasons for said refusal and if said school or  
 47 college shall thereupon meet said requirements and makes a showing  
 48 that the requirements of this law have been complied with, then if  
 49 said Board refuses to issue said permit, a suit may be instituted  
 50 by such school or college in any of the District Courts of Travis  
 51 County, Texas, to require said Board to issue such permit. Any  
 52 such suit must be filed within twenty (20) days after the final  
 53 order of said Board refusing to issue such permit is entered,  
 54 provided registered notice is mailed or it is otherwise shown that  
 55 said school or college has notice within ten (10) days from the  
 56 entering or making of said order.

57 (s) [(l)] In the event such school or college after a permit  
 58 is issued to it violates any of the requirements of this law,  
 59 either directly or indirectly, then said Board shall suspend or  
 60 revoke the permit of any such school or college. Before suspending  
 61 or revoking any such permit, said Board must give such school or  
 62 college a hearing, notice of which hearing shall be delivered to  
 63 such school or college at least twenty (20) days prior to the date  
 64 of said hearing. If said Board suspends or revokes said permit at  
 65 said hearing, then such school or college may file suit to prevent  
 66 the same or to appeal from said order. Any and all suits filed  
 67 hereunder shall be filed within twenty (20) days from the date of  
 68 the order of said Board in any of the District Courts of Travis  
 69 County, Texas, and not elsewhere, and the order shall not become  
 70 effective until said twenty (20) days has expired.



(t) [ (m) ] The Attorney General or any District or County Attorney may institute any injunction proceedings or such other proceeding as to enforce the provisions of this Act, and to enjoin any barber[~~--assistant-barber;~~] or school or college from operating without having complied with the provisions hereof, and each shall forfeit to the State of Texas the sum of Twenty-five Dollars (\$25) per day as a penalty for each day's violation, to be recovered in a suit by the District or County Attorney, and/or the Attorney General.

SECTION 11. Section 14, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. (a) Any ~~[assistant-barber-who-is-at-least-sixteen-and-one-half-years-of-age-and-who-has-a-diploma-showing--graduation-from--a-seventh-grade-grammar-school;-or-an-equivalent-education-as-determined-by-an-examination-conducted-by-the-Board;-and-who-has--a-certificate--of--registration--as-an-assistant-barber-in-a-State-or-country--which-has--substantially--the---same---requirements---for-registration-as-an-assistant-barber-as-is-provided-for-by-this-Act;-shall--upon--payment-of-the-required-fee-be-issued-a-permit-to-work-as-an-assistant-barber-until-called-by-the-Board-of--Examiners--for-examination--to--determine--his-fitness-to-receive-a-certificate-of-registration-as-an-assistant-barber--Should-such-person-be-able-to-pass-the-required-examination;-he-will-be-issued-a-certificate--of-registration--as--a--registered-assistant-barber;-and-that-the-time-spent-in-such-other-State-or-country-as-an-assistant--barber--shall-be--credited--upon--the-period-of-assistant-barber-required-by-this-Act-as-a-qualification-to-take-the--examination--to--determine--his-fitness--to--receive--a-certificate-of-registration-as-a-registered-barber-~~

[ (b) --Any ] person who holds a barber ~~[has-spent-at--least--30-working--days-at-a-licensed-barber-school-or-college-as-a-barber's]~~ technician license issued by the Board may:

(1) perform for compensation only the practice of barbering defined in Sections 4(b)(4), (5), (7), (8), and (10) of this Act; and

(2) practice only at a location for which the Board has issued [including--the--study--of--shampooing--shampoos--manipulations--making-appointments--preparing-patrons--sterilizing tools--and--the--study-of-sterilization-and-the-barber-laws-may-be-licensed-to--practice--as--a--barber's--technician--Any--licensed-barber's--technician--may--assist--the--barber--in--shampooing--and-sterilizing-in] a barber shop permit [and--shall--work--under--the personal-supervision-of-a-registered-Class-A-barber].

(b) An applicant for a barber technician license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed a course of instruction of not less than 300 hours in a period of not less than eight weeks. The course must include the theory and practice of the following subjects:

(1) all laws governing the practice of barbering in this state;

(2) hygienic bacteriology;

(3) histology of the skin, muscles, and nerves;

(4) the structure of the head, neck, and face;

(5) elementary chemistry relating to sterilization and antiseptics;

(6) common disorders of the skin;

(7) massaging and manipulating muscles of the scalp, face, and neck;

(8) shampooing;

(9) administering facial treatments;

(10) preparing patrons and making appointments; and

(11) any other skills, techniques, services, treatments, or undertakings within the definition of the practice of barbering under Subsection (a) of this section.

(c) The application must be made on a form prescribed by the Board, accompanied by the \$10 administration fee. The application and fee must be filed not later than the 10th day before the date set for the examination.



(d) An applicant is entitled to a barber technician license if the applicant possesses the qualifications listed in Subsection (b) of this section, satisfactorily completes the examination, pays a license fee not to exceed \$70, and has not committed an act that constitutes grounds for denial of a license under this Act.

SECTION 12. Subsections (b) and (c), Section 15, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) An applicant for a manicurist license must be at least 16 years of age, have completed the seventh grade or its equivalent, and have completed 300 [~~150~~] hours instruction in manicuring.

(c) The application shall be made on a form prescribed by the board and a \$10 [~~\$5--manicurist~~] administration fee must accompany the application. The application and fee shall be filed at least 10 days prior to the date set for the examination.

SECTION 13. Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Section 15A to read as follows:

Sec. 15A. (a) A person may not own, operate, or manage a manicurist specialty shop unless the person holds a manicurist specialty shop permit issued by the board. A person may operate under a temporary permit issued by the board until a permanent permit is issued.

(b) An applicant for a manicurist specialty shop permit must submit a written application to the board. The application must be accompanied by an inspection fee set by the board in an amount not to exceed \$50. The application must include the address of the shop, a legal description of the premises for which the permit is sought, and any other information required by the board. As soon as practicable after receipt of the application and fee, the board shall issue a temporary manicurist specialty shop permit to the applicant.

(c) The board shall issue a permanent manicurist specialty shop permit to an applicant who holds a valid manicurist license and whose shop meets:

(1) the minimum health standards required by the Texas Department of Health for manicurist specialty shops, as determined by a board inspection; and

(2) any additional requirements imposed by board rule.

(d) A person who holds a manicurist specialty shop permit may maintain an establishment in which only the practice of barbering, as defined by Sections 4(b)(6) and (7) of this Act, is performed for compensation. A manicurist specialty shop may be operated only under the direction of a person who holds a valid manicurist license.

(e) The holder shall display the permit in a conspicuous place in the shop for which the permit is issued. A permit issued under this section is not transferable. If the ownership of a manicurist specialty shop is transferred to another person, the shop may continue in operation if the new owner applies for and obtains a new permit not later than the 30th day after the date on which ownership is transferred.

(f) A person who holds a license, permit, or certificate issued by the Texas Cosmetology Commission may not practice under that authority at a manicurist specialty shop regulated under this Act.

(g) A permit issued under this section expires July 1 of each odd-numbered year. A holder may renew the permit by submitting a renewal application to the board, accompanied by a renewal fee set by the board not to exceed \$50.

(h) A holder of a permit issued under this section may move the manicurist specialty shop to a different location if the holder receives board approval of the new location. The holder must notify the board of the move not later than the 10th day before the date on which the move is scheduled to occur.

SECTION 14. Section 16, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

1        Sec. 16. (a) A person holding a wig specialist license  
2 issued by the board may perform for compensation only the practice  
3 of barbering defined in Section 4(b)(11) of this Act.

4        (b) An applicant for a wig specialist license must be at  
5 least 16 years of age, have completed the seventh grade or its  
6 equivalent, and have completed 300 hours of instruction in the care  
7 and treatment of wigs.

8        (c) The application shall be made on a form prescribed by  
9 the commission and a \$10 [\$5] administration fee must accompany the  
10 application. The application and fee must be filed at least 10  
11 days prior to the date set for the examination.

12        (d) The applicant is entitled to a wig specialist license if  
13 he possesses the qualifications enumerated in Subsection (b) of  
14 this section, satisfactorily completes the examination, pays a  
15 license fee not to exceed \$30, and has not committed an act which  
16 constitutes grounds for revocation of a license under this Act.

17        [~~(e) Any person who at the time this Act takes effect holds~~  
18 ~~a cosmetology license or manicurist license issued by the~~  
19 ~~cosmetology commission may make application for and upon paying the~~  
20 ~~fee be granted a manicurist license by the barber board without~~  
21 ~~examination.~~]

22        SECTION 15. Section 18, Chapter 65, Acts of the 41st  
23 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
24 Texas Civil Statutes), is amended to read as follows:

25        Sec. 18. (a) A person may not own, operate, or manage a wig  
26 specialty shop unless the person holds a wig specialty shop permit  
27 issued by the board. A person may operate under a temporary permit  
28 issued by the board until a permanent permit is issued. [~~A person~~  
29 ~~holding a wig salon license issued by the board may maintain an~~  
30 ~~establishment in which only the practice of barbering as defined in~~  
31 ~~Section 4(b)(11) of this Act is performed for compensation.]~~

32        (b) An applicant for a wig specialty shop permit must submit  
33 a written application to the board. The application must be  
34 accompanied by an inspection fee set by the board in an amount not  
35 to exceed \$50. The application must include the address of the  
36 shop, a legal description of the premises for which the permit is  
37 sought, and any other information required by the board. As soon  
38 as practicable after receipt of the application and fee, the board  
39 shall issue a temporary wig specialty shop permit to the applicant.  
40 [~~An applicant for a wig salon license shall submit an application~~  
41 ~~on a form prescribed by the board. The application shall contain~~  
42 ~~proof of the particular requisites for a wig salon as established~~  
43 ~~by the board and shall be verified by the applicant.]~~

44        (c) The board shall issue a permanent wig specialty shop  
45 permit to an applicant who holds a valid wig specialist license and  
46 whose shop meets:

47        (1) the minimum health standards required by the Texas  
48 Department of Health for wig specialty shops, as determined by a  
49 board inspection; and

50        (2) any additional requirements imposed by board rule.

51        (d) A person who holds a wig specialty shop permit may  
52 maintain an establishment in which only the practice of barbering,  
53 as defined by Section 4(b)(11) of this Act, is performed for  
54 compensation. A wig specialty shop may be operated only under the  
55 direction of a person who holds a valid wig specialist license.

56        (e) The holder shall display the permit in a conspicuous  
57 place in the shop for which the permit is issued. A permit issued  
58 under this section is not transferable. If the ownership of a wig  
59 specialty shop is transferred to another person, the shop may  
60 continue in operation if the new owner applies for and obtains a  
61 new permit not later than the 30th day after the date on which  
62 ownership is transferred.

63        (f) A person who holds a license, permit, or certificate  
64 issued by the Texas Cosmetology Commission may not practice under  
65 that authority at a wig specialty shop regulated under this Act.

66        (g) A permit issued under this section expires July 1 of  
67 each odd-numbered year. A holder may renew the permit by  
68 submitting a renewal application to the board, accompanied by a  
69 renewal fee set by the board not to exceed \$50.

70        (h) A holder of a permit issued under this section may move

the wig specialty shop to a different location if the holder receives board approval of the new location. The holder must notify the board of the move not later than the 10th day before the date on which the move is scheduled to occur. ~~[The applicant is entitled to a wig salon license if the application shows compliance with the rules and regulations of the board, a license fee not to exceed \$50 is paid, and such applicant has not committed an act which constitutes grounds for revocation of a license under this Act.]~~

SECTION 16. Section 18.1, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 18.1. (a) A person holding a wig school permit [license] issued by the board may maintain an establishment in which only the practice of barbering as defined in Section 4(b)(11) of this Act is taught for compensation.

(b) An applicant for a wig school permit [license] shall submit an application on a form prescribed by the board. The application shall contain proof of the particular requisites for a wig school as established by the board and shall be verified by the applicant.

(c) The applicant is entitled to a wig school permit [license] if the application shows compliance with the rules and regulations of the board, a \$100 permit [license] fee is paid, and applicant has not committed an act which constitutes grounds for revocation of a license or permit under this Act.

SECTION 17. Section 19, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 19. Every holder of a certificate of registration or license issued by the board shall display the original certificate or license, together with an attached photograph of the certificate holder or licensee, [it] in a conspicuous place adjacent to or near the certificate holder's or licensee's [his] work-chair in the shop in which the certificate holder or licensee [he] is working or employed.

SECTION 18. Section 20, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20. (a) Each certificate of registration or license issued under this Act expires two years from the date of issuance. Each registered Class A barber, barber technician, teacher, wig instructor, wig specialist, manicurist, or other licensed specialist who continues in active practice or service must renew the certificate or license on or before the expiration date. The Board shall issue a renewal certificate or license on receipt of a renewal application in the form prescribed by the Board, accompanied by the renewal fee set by the Board in the amount for an original certificate or license, but not to exceed \$70. ~~[Every registered--Class--A--barber--and--barber--technician--who--continues--in--active--practice--or--service--shall--renew--his--certificate--of--registration--on--or--before--November--1--of--odd--numbered--years--The--Board--of--Barber--Examiners--shall--issue--the--renewal--certificate--upon--payment--of--a--biennial--renewal--fee--not--to--exceed--\$70--Every--certificate--of--registration--which--has--not--been--renewed--prior--to--that--date--shall--expire--on--November--1--of--that--year--]~~

(b) A Class A registered barber or other licensee, whose certificate of registration or license has expired, may, within 30 days thereafter, and not later, have his certificate of registration or license restored by applying to the Board and paying the biennial renewal fee set by the Board ~~[upon making a satisfactory showing to the Board, supported by his personal affidavit, which in the opinion of the Board, will excuse the applicant for having failed to renew his certificate within the time required by this Act].~~

(c) Any registered barber or licensee whose certificate of registration or license has been expired for not ~~[who retires from the practice of barbering for not]~~ more than five (5) years may reinstate the ~~[renew his]~~ certificate of registration or license by making proper showing to the Board, supported by his personal

affidavit, which, in the opinion of the Board, would justify the Board in issuing a certificate or license to such applicant as upon an original application upon payment of a fee equal to the current amount of the original certificate or license fee, plus a delinquency fee of \$30 for each year or part of a year that the certificate or license has been expired [~~not-to-exceed-\$70-if-the applicant--applies--during--the--period--from--November--1--of--an odd-numbered-year-and-extending-through-October-31-of-the-following even-numbered--year--not--to--exceed--\$35--if-the-applicant-applies during-the-period-from-November-1--of--an--even-numbered--year--and extending--through--October-31-of-the-following-odd-numbered-year~~].

(d) Any registered barber or licensee who retires from [the] practice and whose certificate of registration or license has been expired [~~of-barbering~~] for more than five (5) years may qualify for a new [~~renew-his~~] certificate of registration or license by making application to the Board and by making proper showing to the Board, supported by his personal affidavit, and by paying an examination fee not to exceed \$70, passing a satisfactory examination conducted by the Board, and paying the [~~a--license~~] fee for an original certificate of registration or license [~~not-to-exceed--\$50--if--the applicant-fulfills-the-requirements-during-the-period-from-November 1--of--an-odd-numbered-year-and-extending-through-October-31-of-the following-even-numbered-year-or-not-to-exceed-\$25-if-the--applicant fulfills--the--requirements-during-the-period-from-November-1-of-an even-numbered--year--and--extending--through--October--31--of--the following-odd-numbered-year~~].

SECTION 19. Section 20a, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20a. Any registered barber, [~~registered--assistant barber--or~~] barber technician, teacher, manicurist, or wig specialist shall not be required to renew his certificate of registration while serving on active duty in the military, air or naval forces of the United States, and the Board shall issue a renewal certificate upon application and payment of a renewal fee within ninety (90) days from the date such registered barber, [~~registered--assistant--barber,--or~~] barber technician, teacher, manicurist, or wig specialist is released or discharged from active duty in the armed forces. The renewal fee shall be:

(1) Ten Dollars (\$10) if the application and payment is made during the period from November 1 of an odd-numbered year and extending through October 31 of the following even-numbered year;

(2) Five Dollars (\$5) if the application and payment is made during the period from November 1 of an even-numbered year and extending through October 31 of the following odd-numbered year.

SECTION 20. Section 21, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 21. The board shall either refuse to issue or to renew, or shall suspend or revoke any certificate of registration or license for any one of, or a combination of the following causes:

(A) Gross malpractice;  
(B) Continued practice by a person knowingly having an infectious or contagious disease;

(C) Advertising by means of knowingly making false or deceptive statements;

(D) Advertising, practicing, or attempting to practice under another's trade name or another's name;

(E) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs;

(F) The commission of any of the offenses described in Section 24 of this Act;

(G) No certificate or license shall be issued or renewed, unless and until each applicant shall present a health certificate from a regular practicing [~~medica~~] doctor of medicine or doctor of osteopathic medicine showing that the applicant is free from any kind of infectious or contagious diseases, tuberculosis, communicable diseases, and free from the use of any

1 kind of morphine, cocaine, or other habit-forming drug, or a  
 2 habitual drunkard and that said applicant shall make affidavit to  
 3 said medical examiner that all of the said facts are true.

4 SECTION 21. Section 22(a), Chapter 65, Acts of the 41st  
 5 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 6 Texas Civil Statutes), is amended to read as follows:

7 (a) If a barber inspector believes that any of the grounds  
 8 specified in Section 21 exist, or that the holder of a certificate,  
 9 license, or permit has failed to comply with any of the  
 10 requirements of this Act, he shall notify the holder of the  
 11 certificate, license, or permit of that fact and summons him to  
 12 appear for hearing as provided in this section. The hearing shall  
 13 be had not less than twenty (20) days after notification in writing  
 14 to the holder of the certificate, license, or permit, specifying  
 15 the violation or non-compliance alleged. For the purpose of  
 16 hearing such cases concurrent jurisdiction is vested in the county  
 17 court of the county where the holder of the certificate, license,  
 18 or permit resides and in the county court of the county where the  
 19 violation allegedly occurred. The court may administer oaths and  
 20 may issue subpoenas for the attendance of witnesses and the  
 21 production of relative books and papers. The holder of the  
 22 certificate, license, or permit shall have the right to be  
 23 represented by counsel. At the hearing, the board shall be  
 24 represented by the attorney general, district attorney, or county  
 25 attorney. At such a hearing the issue to be determined is whether  
 26 any grounds exist under Section 21 for denial, refusal to renew,  
 27 suspension, or revocation of the certificate, license, or permit.  
 28 The judge who presides at the hearing shall report his finding to  
 29 the board, which may, if the finding warrants, deny, suspend,  
 30 revoke, or refuse to renew the certificate, license, or permit.

31 SECTION 22. Subsections (b) and (c), Section 23, Chapter 65,  
 32 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
 33 8407a, Vernon's Texas Civil Statutes), are amended to read as  
 34 follows:

35 (b) The fees to be paid to the Board by an applicant for an  
 36 examination to determine his fitness to receive a certificate of  
 37 registration to practice barbering[~~7--to-practice--as--an--assistant~~  
 38 ~~barber;~~] or to practice as a barber technician shall be \$10.

39 (c) The fees to be paid to the Board by an applicant who has  
 40 satisfactorily passed the examination and complied with the other  
 41 provisions of this Act to receive a certificate of registration to  
 42 practice barbering[~~7--to-practice--as--an--assistant-barber;~~] or to  
 43 practice as a barber technician shall be set by the Board in an  
 44 amount not to exceed \$70[

45 ~~(1)--an--amount--not--to--exceed--\$70--if--the--applicant~~  
 46 ~~fulfills--the--requirements--during--the--period--from--November--1--of--an~~  
 47 ~~odd-numbered-year--and--extending--through--October--31--of--the--following~~  
 48 ~~even-numbered-year;-or~~

49 ~~(2)--an--amount--not--to--exceed--\$35--if--the--applicant~~  
 50 ~~fulfills--the--requirements--during--the--period--from--November--1--of--an~~  
 51 ~~even-numbered---year--and--extending--through--October--31--of--the~~  
 52 ~~following-odd-numbered-year].~~

53 SECTION 23. Section 24, Chapter 65, Acts of the 41st  
 54 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 55 Texas Civil Statutes), is amended to read as follows:

56 Sec. 24. Each of the following offenses shall constitute a  
 57 misdemeanor punishable upon conviction in a court of competent  
 58 jurisdiction by a fine of not less than twenty-five dollars  
 59 (\$25.00) nor more than two hundred dollars (\$200.00).

60 (A) The violation of any of the provisions of Sections  
 61 1, 2, or 3[~~7--and-5~~] of this Act;

62 (B) Permitting any person in one's employ,  
 63 supervision, or control to practice as a barber or other licensee  
 64 [~~as--an--assistant--barber;~~] unless that person has a current  
 65 certificate of registration or license issued by the board;

66 (C) Obtaining or attempting to obtain a certificate of  
 67 registration or license by fraudulent representation;

68 (C-1) For anyone who owns, operates or manages a  
 69 barber school or college to work a chair or to permit teachers,  
 70 student teachers [~~instructors~~], [~~licensed-barbers~~] or anyone [~~any~~]

one] other than an enrolled student to render barbering services to the public in their said establishment;

(D) The willful failure to display a certificate of registration or license as required by Section 19 of this Act.

SECTION 24. Section 27, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 27. (a) The State Board of Barber Examiners shall elect one of its members as president, and shall select an executive director [~~elect a secretary~~] and such other employees, as may be necessary, to carry out the provisions of this Act [~~and House---Bill---No---1047---Chapter---65---Acts---of---the---Forty-first Legislature, First Called Session, as amended,~~] and provide for the compensation of the executive director [~~such secretary~~] and other employees. Said Board shall maintain its office in the [~~State Office Building in the~~] City of Austin, Texas, and shall adopt rules and regulations for the transaction of the business herein provided for, including a common seal for the authentication of its orders, certificates and records. The executive director [~~secretary~~] shall keep a record of all proceedings of the Board and shall be the custodian of all such records and shall receive and receipt for all money collected by the Board. All money so received shall be immediately deposited with the State Treasurer, who shall credit same to a special fund to be known as "State Board of Barber Examiners Fund," which money shall be drawn from said special fund upon claims made therefor by the Board to the Comptroller; and if found correct, to be approved by him and vouchers issued therefor, and countersigned and paid by the State Treasurer, which special fund is [~~hereby appropriated~~] for the purpose of carrying out all the provisions of this Act. Annually at the close of business on August 31st of each year, a complete report of the business transaction by the Board showing all receipts and disbursements shall be made by the Board to the Governor of the State of Texas. The State Auditor shall audit the financial transactions of the Board at least once every two fiscal years.

(b) The executive director [~~secretary~~] shall give a surety bond, payable to the State of Texas in the sum of Five Thousand Dollars (\$5,000), conditioned for the faithful performances of the [~~his~~] duties as executive director [~~secretary~~], to be approved by the Board and filed with the State Comptroller. A majority of the Board in meetings duly assembled may perform and exercise all the duties and powers devolving upon the Board.

(c) The compensation of the members of the Board shall be a per diem as set by the General Appropriations Act, and in addition to the per diem provided for herein, they shall be entitled to traveling expenses in accordance with the appropriate provisions of the General Appropriations Act. Each Board member shall make out, under oath, a complete itemized statement of the number of days engaged and the amount of his expenses when presenting same for payment.

SECTION 25. Section 27a(a), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) No barber inspector or other employee of the State Board of Barber Examiners may sell barber supplies or engage in any other business which deals directly with barbers, barber shops, specialty shops, or barber schools except that he may engage in the practice of barbering.

SECTION 26. Section 28(a), Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Texas [~~State~~] Board of Health shall make, establish and promulgate reasonable sanitary rules and regulations for the conduct of barber shops, specialty shops, and barber schools. The State Board of Barber Examiners, by and through the Texas Department of Health [~~Health Department of the State of Texas~~], shall have authority, and it is made its duty to enter upon the premises of all barber shops, specialty shops, barber schools or any place where any of its certificate holders or licensees are



practicing or performing any service, act or treatment by authority of any certificate or license issued by the board and inspect same at any time during business hours. A copy of such sanitary rules and regulations adopted by the Texas Board of Health shall be furnished to the executive director [~~Secretary~~] of the State Board of Barber Examiners who shall in turn forward to each barber, barber school or licensee of the board a copy of such rules and regulations. A copy of the sanitary rules and regulations promulgated and adopted by the Texas [State] Board of Health shall be posted in barber shops, specialty shops, and barber schools in this State. Subject only to the authority of the Texas [State] Board of Health to make and promulgate reasonable rules and regulations as to sanitation, the State Board of Barber Examiners shall have full authority and power to make and enforce all rules and regulations necessary for the performance of its duties, to establish standards of conduct and ethics for all persons licensed or practicing under the provisions of this Act, and to regulate the practice and teaching of barbering in all of its particulars in keeping with the purposes and intent of this Act or to insure strict compliance with and enforcement of this Act.

SECTION 27. Section 29, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 29. The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration, licenses, or permits. This record shall also contain the name, place of business, and residence of each registered barber, licensee, or permittee [~~and registered-assistant-barber~~], and the date and number of his certificate of registration, license, or permit. This record shall be open to public inspection at all reasonable times.

SECTION 28. Section 29A, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 29A. (a) The State Board of Barber Examiners shall keep an information file about each complaint filed with the board relating to licensees, permittees, or certificate holders under this Act.

(b) If a written complaint is filed with the State Board of Barber Examiners relating to a licensee, permittee, or certificate holder under this Act, the board, at least as frequently as quarterly, shall notify the complainant of the status of the complaint until the complaint is finally resolved.

SECTION 29. Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended by adding Section 29E to read as follows:

Sec. 29E. A barber shop, specialty shop, or barber school permit that has been expired for more than 30 days may be renewed by filing a renewal application with the board, accompanied by the regular renewal fee, and a delinquency fee of \$30 for each year or part of a year that the permit has been expired.

SECTION 30. (a) This Act takes effect September 1, 1989.

(b) This Act applies only to a license, certificate, or permit issued or renewed by the State Board of Barber Examiners on or after September 1, 1989. A license, certificate, or permit issued or renewed before that date is covered by the law in effect on the date that the license, certificate, or permit was issued or renewed, and the prior law is continued in effect for this purpose.

(c) A person who on the effective date of this Act holds a cosmetology license or manicurist license issued by the Texas Cosmetology Commission is entitled to a manicurist license issued by the State Board of Barber Examiners on application to that board.

SECTION 31. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

\* \* \* \* \*

Austin, Texas  
May 19, 1989

Hon. William P. Hobby  
President of the Senate

Sir:

We, your Committee on Economic Development to which was referred  
H.B. No. 460, have had the same under consideration, and I am  
instructed to report it back to the Senate with the recommendation  
that it do pass and be printed.

Harris, Chairman



LEGISLATIVE BUDGET BOARD  
Austin, Texas

APR 19 RECD

FISCAL NOTE

April 18, 1989

TO: Honorable O. H. "Ike" Harris, Chairman  
Committee on Economic Development  
Senate Chamber  
Austin, Texas

In Re: House Bill No. 460,  
as engrossed  
By: Eckels

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 460, as engrossed (relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would allow the agency to charge a barber or licensee, where certificate of registration or license has been expired for not more than five years, a delinquency fee for each year or part of a year that the certificate has been expired.

The bill would allow the agency to charge an application fee for a student enrolling at a barber school.

A school that does not pass its initial compliance inspection, as a prerequisite for issuance of a school permit, could be charged a reinspection fee.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Fiscal Year	Probable Revenue Gain to the Barber Examiners Fund No. 40	Probable Cost of the Barber Examiners Fund No. 40	Change in Number of State Employees from FY 1989
1990	\$97,000	\$51,232	+ 1
1991	80,000	39,832	+ 1
1992	80,000	39,832	+ 1
1993	80,000	39,832	+ 1
1994	80,000	39,832	+ 1

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: State Board of Barber Examiners; Cosmetology Commission;  
LBB Staff: JO, JWH, AL, ML, LV

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

February 20, 1989

TO: Honorable Brad Wright, Chair  
Committee on Public Health  
House of Representatives  
Austin, Texas

In Re: House Bill No. 460  
By: Eckels

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 460 (relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would allow the agency to charge a barber or licensee, where certificate of registration or license has been expired for not more than five years, a delinquency fee for each year or part of a year that the certificate has been expired.

The bill would allow the agency to charge an application fee for a student enrolling at a barber school. Also, should that student transfer or reenroll, an additional fee could be charged.

A school that does not pass its initial compliance inspection, as a prerequisite for issuance of a school permit, could be charged a reinspection fee.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Revenue Gain to the Barber Examiners Fund No. 40</u>	<u>Probable Cost of the Barber Examiners Fund No. 40</u>	<u>Change in Number of State Employees from FY 1989</u>
1990	\$97,000	\$51,232	+ 1
1991	80,000	39,832	+ 1
1992	80,000	39,832	+ 1
1993	80,000	39,832	+ 1
1994	80,000	39,832	+ 1

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: State Board of Barber Examiners; Cosmetology Commission;  
LBB Staff: JO, JWH, AL, ML, LV

F  
**ENROLLED**

H.B. No. 460

1 AN ACT

2 relating to the practice of barbering and to the regulation of  
3 certain persons by the State Board of Barber Examiners.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subsections (a) and (b), Article 8402, Revised  
6 Statutes, are amended to read as follows:

7 (a) Every person, firm, or corporation owning, operating or  
8 managing a barber shop or specialty shop shall register his full  
9 name and the location of said shop with the State Board of Barber  
10 Examiners and must hold a permit for that shop. An applicant for a  
11 barber shop permit or specialty shop permit must~~[--Each owner,~~  
12 ~~operator-or-manager-of-a-barber--shop--that--is--first--opened--for~~  
13 ~~business--hereafter--shall--within--three-days-after-the-opening-of~~  
14 ~~such-shop]~~ submit an application to the barber board for the  
15 appropriate [a-barber-shop] permit.

16 (b) In order that the public may fix responsibility for  
17 services, acts, or treatments performed by persons licensed by the  
18 State Board of Barber Examiners vis-a-vis those performed by  
19 persons licensed by the Texas Cosmetology Commission, to promote  
20 the efficient and orderly administration of laws regulating barbers  
21 and the practice of barbering and the laws regulating  
22 cosmetologists and the practice of cosmetology and to avoid  
23 confusion of the public as well as avoiding conflicts of  
24 jurisdiction between such board and commission which might impede

1 effective administration or enforcement of the laws under their  
2 respective jurisdictions[~~7--from-and-after-January-31--1980~~]:

3 (1) a person licensed by the barber board may practice  
4 [~~barbering~~] only at a location for which the board has issued a  
5 barber shop permit, specialty shop permit, barber school or college  
6 permit, or any other permit. If the State Board of Barber  
7 Examiners and the Texas Cosmetology Commission license the same  
8 facility, the board may not adopt rules restricting or prohibiting  
9 the practice by a Class A barber, manicurist, or wig specialist in  
10 the facility; and

11 (2) a person licensed by the cosmetology commission  
12 may practice cosmetology only at a location for which the  
13 commission has issued a beauty shop license, private beauty culture  
14 school license, or any other license. If the State Board of Barber  
15 Examiners and the Texas Cosmetology Commission license the same  
16 facility, the commission may not adopt rules restricting or  
17 prohibiting the practice by a cosmetologist in the facility.

18 SECTION 2. Article 8403, Revised Statutes, is amended to  
19 read as follows:

20 Art. 8403. EQUIPMENT. The owner, operator or manager of any  
21 barber shop, specialty shop, or barber school [~~er--beauty--parlor~~]  
22 shall equip and keep equipped the same with facilities and supplies  
23 and with all such appliances, furnishings and materials as may be  
24 necessary to enable persons employed in and about the same to  
25 comply with the law.

26 SECTION 3. Article 8404, Revised Statutes, is amended to  
27 read as follows:

Art. 8404. EMPLOYEE [~~EMPLOYEE~~] WITH DISEASE. No owner, operator or manager of a barber shop, specialty shop, or barber school [~~er-a-beauty--parlor~~] shall knowingly permit any person suffering from a communicable skin disease or from a venereal disease to act as a barber or employee [~~employee~~] or work or be employed in the [~~said~~] shop or school [~~parlor~~]. No person who to his own knowledge is suffering from a communicable disease or from venereal disease shall act as a barber or work or be employed in a [~~said~~] shop or school [~~parlor~~].

SECTION 4. Article 8405, Revised Statutes, is amended to read as follows:

Art. 8405. CLEANLINESS. Every person in charge of a barber shop, specialty shop, or barber school [~~beauty-parlor~~] shall keep the [~~said~~] shop or school [~~parlor~~] and all furniture, tools, appliances and other equipment used therein at all times in a clean [~~cleanly~~] condition, and shall cause all combs, hair brushes, [~~hair dusters~~] and similar articles used therein to be washed thoroughly at least once a day and to be kept clean at all times, and shall cause all mugs, shaving brushes, razors, shears, scissors, clippers and tweezers used therein to be sterilized at least once after each time used as hereinafter provided. The term "persons affected by this chapter" shall include any person working or employed in a barber shop, specialty shop, or barber school [~~beauty--parlor~~] or acting as a barber, wig [~~beauty~~] specialist, or manicurist. Every barber or other person affected by this chapter, immediately after using a mug, shaving brush, razor, scissors, shears, clippers, or tweezers, for the service of any person, shall sterilize the same

1 by immersing it in boiling water for not less than a minute, or in  
2 the case of a razor, scissors, shears or tweezers, by immersing it  
3 for not less than ten minutes in a five per cent aqueous solution  
4 of carbolic acid. No barber or other person affected by this  
5 chapter shall:

6 1. Use for the service of any customer a comb, hair  
7 brush, [~~hair-duster~~] or any similar article that is not thoroughly  
8 clean, nor any mug, shaving brush, razor, shears, scissors,  
9 clippers, or tweezers, that are not thoroughly clean or that have  
10 not been sterilized since last used.

11 2. Serve any customer unless he shall immediately  
12 before such service cleanse his hands thoroughly.

13 3. Use for the service of a customer any towel or wash  
14 cloth that has not been [~~boiled-and~~] laundered since last used.

15 4. To stop the flow of blood use the same piece of  
16 alum or other material for more than one person.

17 5. Shave any person when the surface to be shaved is  
18 inflamed or broken out or contains pus[~~7--unless--such--person--be~~  
19 ~~provided--with--a--cup,--razor--and-lather-brush-for-his-individual~~  
20 ~~use~~].

21 6. Permit any person to use the head rest of any  
22 barber's chair under his control until after the head rest has been  
23 covered with a towel that has been laundered [~~washed-and-boiled~~]  
24 since having been used before, or by clean new paper or similar  
25 clean substance.

26 7. Use a powder puff or a sponge in the service of a  
27 customer unless it has been sterilized since last used.

1           8. Use a finger bowl unless it has been sterilized  
2 since last used and fresh water or other liquid placed therein.

3           9. Serve a customer without the use of a sanitized  
4 neck strip, cloth towel, or paper towel between the customer and  
5 the chair cloth.

6           10. Use a hair duster in providing services for any  
7 customer.

8           SECTION 5. Article 8406, Revised Statutes, is amended to  
9 read as follows:

10          Art. 8406. CERTAIN OTHER USES PROHIBITED; EXCEPTION [NO  
11 PLACE-TO-SLEEP]. No owner or manager of any barber shop, specialty  
12 shop, or barber school [~~beauty-parlor~~] shall permit any person to  
13 sleep in any room used wholly or in part as such shop or school  
14 [~~parlor~~], and no person shall pursue the barber business or be  
15 employed in a barber shop, specialty shop, or barber school [~~beauty~~  
16 ~~parlor~~] in any room used as [a] sleeping quarters [~~apartment~~].

17          SECTION 6. Section 2, Chapter 65, Acts of the 41st  
18 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
19 Texas Civil Statutes), is amended to read as follows:

20          Sec. 2. Unless [~~From--and-after-the-effective-date-of-this~~  
21 ~~Act,--unless~~] duly licensed and registered in accordance with all  
22 laws of this state regulating the practice of barbering, no person  
23 shall:

24               (a) practice, continue to practice, offer, or attempt  
25 to practice barbering or any part thereof;

26               (b) directly or indirectly, employ, use, cause to be  
27 used, or make use of any of the following terms or any

combinations, variations, or abbreviations thereof, as a professional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit: "barber," "barbering," "barber school," "barber college," "barber shop," "barber salon," or "specialty shop"; or

(c) directly or indirectly, employ, use, cause to be used, or make use of any letter, abbreviation, word, symbol, slogan, sign, or any combination or variation thereof, which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice barbering or own or manage any barber shop, specialty shop, or barber school or college.

SECTION 7. Section 4, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 4. [~~DEFINITIONS~~] In this Act, unless the context otherwise requires:

(a) "barber" shall mean any person who performs, offers, or attempts to perform any act of barbering, professes to do barbering or to be engaged in the practice thereof, or who directly or indirectly or in any manner whatsoever advertises or holds himself out as a barber or as authorized to practice barbering;

(b) "barbering," "practicing barbering," or the "practice of barbering" shall mean the performing or doing, or offering or attempting to do or perform, any, all or any combination of the following acts, services, works, treatments, or



undertakings:

(1) arranging, beautifying, coloring, processing, shaving, styling, or trimming the mustache or beard by any means or method;

(2) arranging, beautifying, bleaching, cleansing, coloring, curling, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, waving, or otherwise treating the hair as primary services, treatments, or undertakings by any means or method, including any bobbing, clipping, cutting, or trimming of the hair as a necessary incident preparatory or ancillary to such primary services;

(3) cutting the hair as a primary service, treatment, or undertaking and not as a necessary incident preparatory or ancillary to those primary services enumerated in Section 4(b)(2), or primarily engaging in the occupation of cutting hair or practicing primarily as a haircutter by cutting hair as a separate and independent service, treatment, or undertaking for which haircut a charge is made, as such, separate and apart from any other service, treatment, or undertaking, directly or indirectly, or in any manner whatsoever;

(4) cleansing, stimulating, or massaging the scalp, face, neck, arms, or shoulders~~[7-or-that-part-of-the-body above-the-shoulders]~~ by means of the hands, devices, apparatuses, or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(5) beautifying the face, neck, arms, or shoulders~~[7-or-that-part-of-the-body-above-the-shoulders]~~ by the

1 use of cosmetic preparations, antiseptics, tonics, lotions,  
2 powders, oils, clays, creams, or appliances;

3 (6) cutting, trimming, polishing, tinting,  
4 coloring, cleansing, [e\*] manicuring, or pedicuring the nails of  
5 any person or attaching false nails;

6 (7) massaging, cleansing, treating, or  
7 beautifying the hands of any person;

8 (8) administering facial treatments;

9 (9) hair weaving;

10 (10) shampooing or conditioning hair;

11 (11) servicing a wig, toupee, or artificial  
12 hairpiece on a human head or on a block, subsequent to the initial  
13 retail sale by any of the acts, services, works, treatments, or  
14 undertakings enumerated in Section 4(b)(2) of this Act;

15 (12) advertising or holding out to the public by  
16 any manner whatsoever that any person is a barber or authorized to  
17 practice barbering;

18 (13) advertising or holding out to the public by  
19 any manner whatsoever that any location or place of business is a  
20 barber shop, specialty shop, barber school, barber college, or  
21 barber salon;

22 (14) receiving any fee, salary, compensation, or  
23 financial benefit, or the promise of any fee, salary, compensation,  
24 or financial benefit, for performing, doing, offering, or  
25 attempting to perform or do any act, work, service, or thing, which  
26 is any part of the practice of barbering as herein defined;

27 (c) "barber shop" or "barber salon" shall mean any

1 place where barbering is practiced, offered, or attempted to be  
2 practiced except when such place is duly licensed as a barber  
3 school or college;

4 (d) "board" shall mean the State Board of Barber  
5 Examiners as established and provided for in the Texas Barber Law;

6 (e) "certificate" shall mean a certificate of  
7 registration issued by the board in accordance with the provisions  
8 of this Act;

9 (f) "license" shall mean any license issued by the  
10 board in accordance with the provisions of this Act;

11 (g) "manager" shall mean any person who controls or  
12 directs the business affairs of a barber shop or directs the work  
13 of a person employed in a barber shop or both;

14 (h) "manicurist specialty shop" shall mean any place  
15 where only the practice of barbering as defined by Sections 4(b)(6)  
16 and (7) of this Act is performed for compensation;

17 (i) "permit" shall mean any permit issued by the board  
18 in accordance with the provisions of this Act;

19 (j) [~~f~~] "person" shall mean any individual,  
20 association, firm, corporation, partnership, or other legal entity;

21 (k) "specialty shop" shall mean a manicurist specialty  
22 shop or a wig specialty shop;

23 (l) "wig specialty shop" shall mean any place where  
24 only the practice of barbering as defined by Section 4(b)(11) of  
25 this Act is performed for compensation.

26 (m) [~~f~~] In addition to the foregoing definitions,  
27 the board shall have authority to define by rule any words or terms

1 necessary in the administration or enforcement of this Act.

2 SECTION 8. Section 6, Chapter 65, Acts of the 41st  
3 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
4 Texas Civil Statutes), is amended to read as follows:

5 Sec. 6. [~~EXEMPTIONS.~~] The following persons shall be exempt  
6 from the provisions of this Act, provided such persons are not  
7 represented, advertised, or held out to the public, directly or  
8 indirectly, or in any manner whatsoever, as barbers, journeymen  
9 barbers, barber technicians, or under any name, title, or  
10 designation indicating such person is authorized to practice by  
11 authority of any license or permit issued by the board:

12 (a) a doctor of medicine, doctor of osteopathic  
13 medicine, or [~~physicians,--osteopaths,--and~~] registered nurse  
14 [~~nurses~~] licensed and regulated by the State of Texas while  
15 operating within the scope of that person's license;

16 (b) commissioned or authorized medical or surgical  
17 officers of the United States Army, Navy, or Marine Hospital  
18 Service;

19 (c) persons licensed or practicing by authority of the  
20 Texas Cosmetology Commission under the provisions of Chapter 1036,  
21 Acts of the 62nd Legislature, Regular Session, 1971 (Article 8451a,  
22 Vernon's Texas Civil Statutes), so long as such persons practice  
23 within the scope of the license or permit duly issued by the Texas  
24 Cosmetology Commission.

25 SECTION 9. Section 7, Chapter 65, Acts of the 41st  
26 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
27 Texas Civil Statutes), is amended to read as follows:

1           Sec. 7. The following shall be considered as minimum  
2 evidence satisfactory to the board that an applicant is qualified  
3 for registration as a Class A registered barber:

4           (a) being at least 16 [~~16-1/2~~] years of age;

5           (b) successfully passing a written and practical  
6 examination demonstrating to the satisfaction of the board the  
7 applicant's fitness and competence to practice the art and science  
8 of barbering.

9           SECTION 10. Section 9, Chapter 65, Acts of the 41st  
10 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
11 Texas Civil Statutes), is amended to read as follows:

12           Sec. 9. (a) Any person desiring to conduct or operate a  
13 barber school or college in this state shall first obtain a permit  
14 from the board after demonstrating that said school or college has  
15 first met the requirements of this section. Said permit shall be  
16 prominently displayed at all times at such school or college. [No  
17 ~~such-school-or-college-shall-be--approved--unless--such--school--or~~  
18 ~~college--requires--as--a--prerequisite--to--graduation--a-course-of~~  
19 ~~instruction-of-not-less-than--1,500--hours--as--determined--by--the~~  
20 ~~board,--to--be--completed--within--a--period--of-not-less-than-nine~~  
21 ~~months,--for-a-Class-A-certificate,--and-at-least-800-hours--of--such~~  
22 ~~course--of--instruction--shall-be-in-the-actual-practice-of-cutting~~  
23 ~~hair-as-a-primary-service-in-accordance--with--the--definition--set~~  
24 ~~forth-in-Section-4(b)(3)-of-this-Act.~~ ]

25           **(b)** No certificate or permit shall be issued as provided for  
26 herein to an applicant to be a student in such a school or college  
27 unless said applicant has completed at least a seventh grade

1 education and such other requirements as shall be specified by the  
 2 board. Each applicant to be a student must submit an enrollment  
 3 application to the board in the form prescribed by the board. The  
 4 application must be accompanied by a nonrefundable application fee  
 5 set by the board in an amount not to exceed \$25. A separate  
 6 application is required for each enrollment, reenrollment, or  
 7 transfer enrollment. However, the application fee applies only to  
 8 the first enrollment and may not be charged for any later  
 9 enrollment, reenrollment, or transfer enrollment.

10 (c) The board may not approve a barber school or college  
 11 unless the school or college requires the following hours of  
 12 instruction as a prerequisite for graduation:

13 (1) Class A barber--1,500 hours of instruction  
 14 completed in a course of not less than nine months, with not less  
 15 than 800 hours in the actual practice of cutting hair as a primary  
 16 service;

17 (2) barber technician--300 hours of instruction  
 18 completed in a course of not less than eight weeks;

19 (3) wig instructor--200 hours of instruction completed  
 20 in a course of not less than eight weeks;

21 (4) wig specialist--300 hours of instruction completed  
 22 in a course of not less than eight weeks;

23 (5) manicurist--300 hours of instruction completed in  
 24 a course of not less than eight weeks; and

25 (6) teacher--1,000 hours of instruction completed in a  
 26 course of not less than six months.

27 (d) If a school or college offers a refresher course, that

1 course must require at least 300 hours of instruction. The board  
 2 by rule shall set the curriculum for a refresher course.

3 [Provided,---however,---that---any---person---licensed---as---a---Class---A  
 4 registered---barber---or---registered---assistant---barber---as---of---the  
 5 effective-date-of-this-Act-shall-be-considered-qualified-to-perform  
 6 any---acts---or---services---within---the---scope---of---the---definition-of  
 7 barbering---and---shall---be---entitled---to---any---or---all---licenses,  
 8 certificates,---or-permits-which-the-board-is-authorized-to-issue-on  
 9 payment---of---the---required---fees---but---without---meeting---further  
 10 educational-or-experience-requirements.]

11 (e) A barber school or college shall submit a monthly  
 12 progress report to the board regarding each student in attendance  
 13 at the school or college. The report must certify the daily  
 14 attendance record of the student and the number of credit hours  
 15 earned by the student during the previous month. The school or  
 16 college may not increase, decrease, or withhold for any reason the  
 17 number of credit hours earned by a student. On completion by a  
 18 student of a prescribed course of instruction, the school or  
 19 college shall certify to the board that the student has completed  
 20 the required number of hours and is eligible to take the  
 21 appropriate examination.

22 (f) [(b)] Such schools or colleges shall instruct students  
 23 in the theory and practice of such subjects as may be necessary and  
 24 beneficial in the practice of barbering, including the following:

25 (1) all laws governing the practice of barbering in  
 26 this state;

27 (2) scientific fundamentals of barbering;

- 1           (3)   hygienic bacteriology;[7]  
2           (4)   histology of the hair, skin, muscles, and nerves;  
3           (5)   the structure of the head, neck and face;  
4           (6)   elementary chemistry relating to sterilization and  
5 antiseptics;  
6           (7)   common disorders of the skin and hair;  
7           (8)   massaging muscles of the scalp, face, and neck;  
8           (9)   hair-cutting;  
9           (10)  shaving, shampooing, and bleaching and dyeing of  
10 the hair;  
11           (11)  manicuring, administering facial treatments, hair  
12 weaving, servicing wigs; and[7-er]  
13           (12)  any other skills, techniques, services,  
14 treatments, or undertakings within the definition of the practice  
15 of barbering provided for in this Act.

16           (g) [~~te~~] No barber school or college which issues "Class A"  
17 certificates shall be approved by the Board for the issuance of a  
18 permit unless said school or college has the following:

19           (1) An adequate school site housed in a substantial  
20 building of a permanent-type construction containing a minimum of  
21 not less than two thousand, eight hundred (2,800) square feet of  
22 floor space. Such space shall be divided into the following  
23 separate departments: a senior department, a junior department, a  
24 class theory room, a supply room, an office space, a dressing and  
25 cloak room, and two (2) sanitary, modern separate rest rooms,  
26 equipped with one (1) commode each and a urinal in one (1) rest  
27 room.



1                   (2) A hard-surface floor covering of tile or other  
2 suitable material.

3                   (3) A minimum of twenty (20) modern barber chairs with  
4 cabinet and mirror for each chair.

5                   (4) One (1) lavatory in back of each two (2) chairs.

6                   (5) A liquid sterilizer for each chair.

7                   (6) An adequate number of latherizers, vibrators, and  
8 hair dryers for the use of students.

9                   (7) Adequate lighting of all rooms.

10                  (8) At least twenty (20) classroom chairs, a  
11 blackboard, anatomical charts of the head, neck and face, and one  
12 (1) barber chair in the class theory room.

13                  (9) A library and library facilities available to  
14 students, containing a medical dictionary and a standard work on  
15 the human anatomy.

16                  (10) Adequate drinking fountain facilities, but at  
17 least one (1) to each floor.

18                  (11) Adequate toilet facilities for the students.

19                  (12) Adequate fire-fighting equipment to be maintained  
20 in case of emergency.

21                  (h) [~~(d)~~] Anything to the contrary in this Act  
22 notwithstanding, each such school shall place a sign on the front  
23 outside portion of its building in a prominent place. Such sign  
24 shall read "BARBER SCHOOL--STUDENT BARBERS", and shall be a minimum  
25 size of ten-inch block letters. Printed signs containing the  
26 foregoing information shall be prominently displayed upon each  
27 inside wall of the establishment.

(i) [~~e~~] A minimum of five (5) hours a [one-hour-periods-of  
 week must [~~shall~~] be devoted to the instruction of theory in  
 the classroom, with Saturdays [~~being~~] devoted exclusively to  
 practical work over the chair. If classes are conducted five (5)  
days a week, one (1) hour each day must be devoted to instruction  
in theory. If classes are conducted four (4) days a week, one (1)  
hour and fifteen (15) minutes each day must be devoted to  
instruction in theory. An attendance record book must be  
 maintained by the school showing a record of the students' daily  
 attendance. These records are subject to inspection at any and all  
 times by the Board.

(j) [~~f~~] No barber school or college which issues "Class A"  
 certificates shall be approved by the Board unless it is under the  
 direct supervision and control of a barber who holds a current  
 registered "Class A" certificate to practice barbering under the  
 Texas Barber Law, and who can show evidence of at least five (5)  
 years experience as a practicing barber. Each school shall have at  
 least one (1) teacher who has a teacher's certificate issued by the  
 Board upon examination and who is capable and qualified to teach  
 the curriculum outlined herein to the students of such school. All  
 such teachers are required to obtain a teacher's certificate from  
 the Board and, in addition to requirements set forth by the Board,  
 must meet the following requirements:

(1) Demonstrate their ability to teach the said  
 curriculum outlined herein through a written and practical test to  
 be given by the Board.

(2) Hold a current certificate as a registered "Class

1 A" barber under this law.

2 (3) Demonstrate to the Board that such applicant is  
3 qualified to teach and instruct, to be determined at the discretion  
4 of the Board, and show evidence that the applicant has had at least  
5 six (6) months experience as a teacher in an approved school or  
6 college in Texas or in another state approved by the Board, or have  
7 completed 1,000 hours of instruction in a [six-month] postgraduate  
8 course as a student teacher in an approved barber school or college  
9 in Texas.

10 (k) A licensed barber who presents evidence satisfactory to  
11 the Board of at least five (5) years' experience as a practicing  
12 barber in a barber shop operating under a permit issued by the  
13 Board, with not less than two (2) years' experience occurring in  
14 the period immediately before application, is also entitled to  
15 apply to take the examination for a teacher's certificate.  
16 Applicants desiring an examination for a teacher's certificate  
17 shall make an application to the Board and accompany same with an  
18 examination fee not to exceed \$70. A new application and fee must  
19 be presented for each examination taken by the applicant and fees  
20 paid are not refundable. A teacher's certificate shall be issued  
21 upon satisfactory completion of the examination and payment of a  
22 certificate fee not to exceed \$70 if the applicant fulfills the  
23 requirements during the period from November 1 of an odd-numbered  
24 year and extending through October 31 of the following  
25 even-numbered year or not to exceed \$35 if the applicant fulfills  
26 the requirements during the period from November 1 of an  
27 even-numbered year and extending through October 31 of the

1 following odd-numbered year. Teacher's certificates shall be  
2 renewed biennially on or before November 1st of odd-numbered years  
3 upon the payment of a renewal fee not to exceed \$70.

4 (1) [(g)] In addition to a minimum of one (1) teacher  
5 required in Subsection (j)(3) of this Section [~~paragraph--(3)~~  
6 ~~above~~], each barber school or college which issues "Class A"  
7 certificates shall maintain at least one (1) qualified instructor,  
8 holding a registered "Class A" certificate, for each twenty (20)  
9 students or any fraction thereof for instruction in practical work;  
10 provided, however, that a teacher can also serve as an instructor  
11 in practical work in addition to his position as a theory teacher.  
12 A barber school or college may not enroll more than one (1) student  
13 teacher for each licensed teacher who teaches at the school or  
14 college. A student teacher must concentrate on teaching skills and  
15 may not be booked with customers. Violation of this requirement  
16 constitutes a ground for the revocation of the person's student  
17 teacher barber license.

18 (m) [(h)] No barber school or college shall be issued a  
19 permit to operate under the provisions of this Section until it has  
20 first furnished the following evidence to the Board:

21 (1) A detailed drawing and chart of the proposed  
22 physical layout of such school, showing the departments, floor  
23 space, equipment, lights and outlets.

24 (2) Photographs of the proposed site for such school  
25 including the interior and exterior of the building, rooms and  
26 departments.

27 (3) A detailed copy of the training program.

1           (4) A copy of the school catalog and promotional  
2 literature.

3           (5) A copy of the building lease or proposed building  
4 lease where the building is not owned by the school or college.

5           (6) A sworn statement showing the true ownership of  
6 the school or college.

7           (7) A permit fee not to exceed \$1,000.

8           (n) No such school or college shall be operated and no  
9 students shall be solicited or enrolled by it until the Board shall  
10 determine by inspection that the school has been set up and  
11 established in accordance with this Section and the proposal  
12 submitted to the Board and approved by it prior to the issuance of  
13 a permit. A barber school or college that is not approved by the  
14 Board on initial inspection is subject to reinspection by the  
15 Board. For each reinspection, the Board shall charge a  
16 reinspection fee set by the Board in an amount not to exceed \$500.

17           (o) Any such school or college must obtain renewal of its  
18 permit [~~certificate~~] by September 1st each year by the payment of  
19 an annual renewal fee not to exceed \$300.

20           (p) [~~if~~] If [~~When~~] a barber school or college changes  
21 ownership, the Board shall be notified of the transfer not later  
22 than the 10th day before the date on which the change becomes  
23 effective [~~within-ten-(10)-days-from-the-date-of-such-change~~].

24           (q) [~~if~~] Any school or college desiring to change the  
25 location of such school or college must first obtain approval by  
26 the Board by showing that the proposed location meets the  
27 requirements of this Section.

1        (r) [~~(k)~~] If said Board refuses to issue a permit to any  
2 such school or college, such school or college may by written  
3 request demand the reasons for said refusal and if said school or  
4 college shall thereupon meet said requirements and makes a showing  
5 that the requirements of this law have been complied with, then if  
6 said Board refuses to issue said permit, a suit may be instituted  
7 by such school or college in any of the District Courts of Travis  
8 County, Texas, to require said Board to issue such permit. Any  
9 such suit must be filed within twenty (20) days after the final  
10 order of said Board refusing to issue such permit is entered,  
11 provided registered notice is mailed or it is otherwise shown that  
12 said school or college has notice within ten (10) days from the  
13 entering or making of said order.

14        (s) [~~(t)~~] In the event such school or college after a permit  
15 is issued to it violates any of the requirements of this law,  
16 either directly or indirectly, then said Board shall suspend or  
17 revoke the permit of any such school or college. Before suspending  
18 or revoking any such permit, said Board must give such school or  
19 college a hearing, notice of which hearing shall be delivered to  
20 such school or college at least twenty (20) days prior to the date  
21 of said hearing. If said Board suspends or revokes said permit at  
22 said hearing, then such school or college may file suit to prevent  
23 the same or to appeal from said order. Any and all suits filed  
24 hereunder shall be filed within twenty (20) days from the date of  
25 the order of said Board in any of the District Courts of Travis  
26 County, Texas, and not elsewhere, and the order shall not become  
27 effective until said twenty (20) days has expired.

(t) [ {m} ] The Attorney General or any District or County Attorney may institute any injunction proceedings or such other proceeding as to enforce the provisions of this Act, and to enjoin any barber[~~,-assistant-barber,~~] or school or college from operating without having complied with the provisions hereof, and each shall forfeit to the State of Texas the sum of Twenty-five Dollars (\$25) per day as a penalty for each day's violation, to be recovered in a suit by the District or County Attorney, and/or the Attorney General.

SECTION 11. Section 14, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. (a) Any [~~assistant-barber-who-is-at-least--sixteen and--one-half-years-of-age-and-who-has-a-diploma-showing-graduation from-a-seventh-grade-grammar-school,-or-an-equivalent-education--as determined--by-an-examination-conducted-by-the-Board,-and-who-has-a certificate-of-registration-as-an-assistant-barber-in--a--State--or country---which---has---substantially--the--same--requirements--for registration-as-an-assistant-barber-as-is-provided-for-by-this-Act, shall-upon-payment-of-the-required-fee-be-issued-a-permit--to--work as--an--assistant-barber-until-called-by-the-Board-of-Examiners-for examination-to-determine-his-fitness-to-receive--a--certificate--of registration-as-an-assistant-barber--Should-such-person-be-able-to pass--the--required-examination,-he-will-be-issued-a-certificate-of registration-as-a-registered-assistant-barber,-and--that--the--time spent--in--such-other-State-or-country-as-an-assistant-barber-shall be-credited-upon-the-period-of-assistant-barber--required--by--this~~]

1 Act--as--a--qualification--to--take--the--examination--to--determine--his  
2 fitness--to--receive--a--certificate--of--registration--as--a--registered  
3 barber-

4 [(b)--Any] person who holds a barber [has-spent-at-least-30  
5 working-days-at-a-licensed-barber-school-or-college-as-a--barber's]  
6 technician license issued by the Board may:

7 (1) perform for compensation only the practice of  
8 barbering defined in Sections 4(b)(4), (5), (7), (8), and (10) of  
9 this Act; and

10 (2) practice only at a location for which the Board  
11 has issued [including--the---study---of---shampooing,---shampoos,  
12 manipulations,--making--appointments,--preparing--patrons,--sterilizing  
13 tools,--and--the--study--of--sterilization--and--the--barber--laws--may--be  
14 licensed--to--practice--as--a--barber's--technician---Any-licensed  
15 barber's--technician--may--assist--the--barber--in--shampooing--and  
16 sterilizing--in] a barber shop permit [and-shall-work-under-the  
17 personal-supervision-of-a-registered-Class-A-barber].

18 (b) An applicant for a barber technician license must be at  
19 least 16 years of age, have completed the seventh grade or its  
20 equivalent, and have completed a course of instruction of not less  
21 than 300 hours in a period of not less than eight weeks. The  
22 course must include the theory and practice of the following  
23 subjects:

24 (1) all laws governing the practice of barbering in  
25 this state;

26 (2) hygienic bacteriology;

27 (3) histology of the skin, muscles, and nerves;



1           (4) the structure of the head, neck, and face;  
2           (5) elementary chemistry relating to sterilization and  
3 antiseptics;  
4           (6) common disorders of the skin;  
5           (7) massaging and manipulating muscles of the scalp,  
6 face, and neck;  
7           (8) shampooing;  
8           (9) administering facial treatments;  
9           (10) preparing patrons and making appointments; and  
10           (11) any other skills, techniques, services,  
11 treatments, or undertakings within the definition of the practice  
12 of barbering under Subsection (a) of this section.

13           (c) The application must be made on a form prescribed by the  
14 Board, accompanied by the \$10 administration fee. The application  
15 and fee must be filed not later than the 10th day before the date  
16 set for the examination.

17           (d) An applicant is entitled to a barber technician license  
18 if the applicant possesses the qualifications listed in Subsection  
19 (b) of this section, satisfactorily completes the examination, pays  
20 a license fee not to exceed \$70, and has not committed an act that  
21 constitutes grounds for denial of a license under this Act.

22           SECTION 12. Subsections (b) and (c), Section 15, Chapter 65,  
23 Acts of the 41st Legislature, 1st Called Session, 1929 (Article  
24 8407a, Vernon's Texas Civil Statutes), are amended to read as  
25 follows:

26           (b) An applicant for a manicurist license must be at least  
27 16 years of age, have completed the seventh grade or its

1 equivalent, and have completed 300 [~~150~~] hours instruction in  
2 manicuring.

3 (c) The application shall be made on a form prescribed by  
4 the board and a \$10 [~~\$5--manicurist~~] administration fee must  
5 accompany the application. The application and fee shall be filed  
6 at least 10 days prior to the date set for the examination.

7 SECTION 13. Chapter 65, Acts of the 41st Legislature, 1st  
8 Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
9 Statutes), is amended by adding Section 15A to read as follows:

10 Sec. 15A. (a) A person may not own, operate, or manage a  
11 manicurist specialty shop unless the person holds a manicurist  
12 specialty shop permit issued by the board. A person may operate  
13 under a temporary permit issued by the board until a permanent  
14 permit is issued.

15 (b) An applicant for a manicurist specialty shop permit must  
16 submit a written application to the board. The application must be  
17 accompanied by an inspection fee set by the board in an amount not  
18 to exceed \$50. The application must include the address of the  
19 shop, a legal description of the premises for which the permit is  
20 sought, and any other information required by the board. As soon  
21 as practicable after receipt of the application and fee, the board  
22 shall issue a temporary manicurist specialty shop permit to the  
23 applicant.

24 (c) The board shall issue a permanent manicurist specialty  
25 shop permit to an applicant who holds a valid manicurist license  
26 and whose shop meets:

27 (1) the minimum health standards required by the Texas

1 Department of Health for manicurist specialty shops, as determined  
2 by a board inspection; and

3 (2) any additional requirements imposed by board rule.

4 (d) A person who holds a manicurist specialty shop permit  
5 may maintain an establishment in which only the practice of  
6 barbering, as defined by Sections 4(b)(6) and (7) of this Act, is  
7 performed for compensation. A manicurist specialty shop may be  
8 operated only under the direction of a person who holds a valid  
9 manicurist license.

10 (e) The holder shall display the permit in a conspicuous  
11 place in the shop for which the permit is issued. A permit issued  
12 under this section is not transferable. If the ownership of a  
13 manicurist specialty shop is transferred to another person, the  
14 shop may continue in operation if the new owner applies for and  
15 obtains a new permit not later than the 30th day after the date on  
16 which ownership is transferred.

17 (f) A person who holds a license, permit, or certificate  
18 issued by the Texas Cosmetology Commission may not practice under  
19 that authority at a manicurist specialty shop regulated under this  
20 Act.

21 (g) A permit issued under this section expires July 1 of  
22 each odd-numbered year. A holder may renew the permit by  
23 submitting a renewal application to the board, accompanied by a  
24 renewal fee set by the board not to exceed \$50.

25 (h) A holder of a permit issued under this section may move  
26 the manicurist specialty shop to a different location if the holder  
27 receives board approval of the new location. The holder must

1 notify the board of the move not later than the 10th day before the  
2 date on which the move is scheduled to occur.

3 SECTION 14. Section 16, Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
5 Texas Civil Statutes), is amended to read as follows:

6 Sec. 16. (a) A person holding a wig specialist license  
7 issued by the board may perform for compensation only the practice  
8 of barbering defined in Section 4(b)(11) of this Act.

9 (b) An applicant for a wig specialist license must be at  
10 least 16 years of age, have completed the seventh grade or its  
11 equivalent, and have completed 300 hours of instruction in the care  
12 and treatment of wigs.

13 (c) The application shall be made on a form prescribed by  
14 the commission and a \$10 [\$5] administration fee must accompany the  
15 application. The application and fee must be filed at least 10  
16 days prior to the date set for the examination.

17 (d) The applicant is entitled to a wig specialist license if  
18 he possesses the qualifications enumerated in Subsection (b) of  
19 this section, satisfactorily completes the examination, pays a  
20 license fee not to exceed \$30, and has not committed an act which  
21 constitutes grounds for revocation of a license under this Act.

22 [~~{e}--Any--person--who--at--the--time--this--Act--takes--effect--holds~~  
23 ~~a--cosmetology--license--or--manicurist--license--issued---by---the~~  
24 ~~cosmetology--commission--may--make--application--for--and--upon--paying--the~~  
25 ~~fee--be--granted--a--manicurist--license--by--the--barber--board--without~~  
26 ~~examination.~~ ]

27 SECTION 15. Section 18, Chapter 65, Acts of the 41st

1 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
2 Texas Civil Statutes), is amended to read as follows:

3 Sec. 18. (a) A person may not own, operate, or manage a wig  
4 specialty shop unless the person holds a wig specialty shop permit  
5 issued by the board. A person may operate under a temporary permit  
6 issued by the board until a permanent permit is issued. [A-person  
7 holding-a-wig-salon-license-issued-by-the--board--may--maintain--an  
8 establishment-in-which-only-the-practice-of-barbering-as-defined-in  
9 Section-4(b)(11)-of-this-Act-is-performed-for-compensation.]

10 (b) An applicant for a wig specialty shop permit must submit  
11 a written application to the board. The application must be  
12 accompanied by an inspection fee set by the board in an amount not  
13 to exceed \$50. The application must include the address of the  
14 shop, a legal description of the premises for which the permit is  
15 sought, and any other information required by the board. As soon  
16 as practicable after receipt of the application and fee, the board  
17 shall issue a temporary wig specialty shop permit to the applicant.  
18 [An--applicant--for-a-wig-salon-license-shall-submit-an-application  
19 on-a-form-prescribed-by-the-board--The-application--shall--contain  
20 proof--of--the-particular-requisites-for-a-wig-salon-as-established  
21 by-the-board-and-shall-be-verified-by-the-applicant.]

22 (c) The board shall issue a permanent wig specialty shop  
23 permit to an applicant who holds a valid wig specialist license and  
24 whose shop meets:

25 (1) the minimum health standards required by the Texas  
26 Department of Health for wig specialty shops, as determined by a  
27 board inspection; and

1           (2) any additional requirements imposed by board rule.

2           (d) A person who holds a wig specialty shop permit may  
3 maintain an establishment in which only the practice of barbering,  
4 as defined by Section 4(b)(11) of this Act, is performed for  
5 compensation. A wig specialty shop may be operated only under the  
6 direction of a person who holds a valid wig specialist license.

7           (e) The holder shall display the permit in a conspicuous  
8 place in the shop for which the permit is issued. A permit issued  
9 under this section is not transferable. If the ownership of a wig  
10 specialty shop is transferred to another person, the shop may  
11 continue in operation if the new owner applies for and obtains a  
12 new permit not later than the 30th day after the date on which  
13 ownership is transferred.

14           (f) A person who holds a license, permit, or certificate  
15 issued by the Texas Cosmetology Commission may not practice under  
16 that authority at a wig specialty shop regulated under this Act.

17           (g) A permit issued under this section expires July 1 of  
18 each odd-numbered year. A holder may renew the permit by  
19 submitting a renewal application to the board, accompanied by a  
20 renewal fee set by the board not to exceed \$50.

21           (h) A holder of a permit issued under this section may move  
22 the wig specialty shop to a different location if the holder  
23 receives board approval of the new location. The holder must  
24 notify the board of the move not later than the 10th day before the  
25 date on which the move is scheduled to occur. [The--applicant--is  
26 entitled-to-a-wig-salon-license-if-the-application-shows-compliance  
27 with--the--rules-and-regulations-of-the-board,-a-license-fee-not-to

1 exceed-\$50-is-paid,-and-such-applicant-has--not--committed--an--act  
2 which--constitutes--grounds--for-revocation-of-a-license-under-this  
3 Act- ]

4 SECTION 16. Section 18.1, Chapter 65, Acts of the 41st  
5 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 18.1. (a) A person holding a wig school permit  
8 [~~license~~] issued by the board may maintain an establishment in  
9 which only the practice of barbering as defined in Section 4(b)(11)  
10 of this Act is taught for compensation.

11 (b) An applicant for a wig school permit [~~license~~] shall  
12 submit an application on a form prescribed by the board. The  
13 application shall contain proof of the particular requisites for a  
14 wig school as established by the board and shall be verified by the  
15 applicant.

16 (c) The applicant is entitled to a wig school permit  
17 [~~license~~] if the application shows compliance with the rules and  
18 regulations of the board, a \$100 permit [~~license~~] fee is paid, and  
19 applicant has not committed an act which constitutes grounds for  
20 revocation of a license or permit under this Act.

21 SECTION 17. Section 19, Chapter 65, Acts of the 41st  
22 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
23 Texas Civil Statutes), is amended to read as follows:

24 Sec. 19. Every holder of a certificate of registration or  
25 license issued by the board shall display the original certificate  
26 or license, together with an attached photograph of the certificate  
27 holder or licensee, [~~it~~] in a conspicuous place adjacent to or near

1 the certificate holder's or licensee's [his] work-chair in the shop  
 2 in which the certificate holder or licensee [he] is working or  
 3 employed.

4 SECTION 18. Section 20, Chapter 65, Acts of the 41st  
 5 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 20. (a) Each certificate of registration or license  
 8 issued under this Act expires two years from the date of issuance.  
 9 Each registered Class A barber, barber technician, teacher, wig  
 10 instructor, wig specialist, manicurist, or other licensed  
 11 specialist who continues in active practice or service must renew  
 12 the certificate or license on or before the expiration date. The  
 13 Board shall issue a renewal certificate or license on receipt of a  
 14 renewal application in the form prescribed by the Board,  
 15 accompanied by the renewal fee set by the Board in the amount for  
 16 an original certificate or license, but not to exceed \$70. [Every  
 17 registered-Class-A-barber-and-barber-technician--who--continues--in  
 18 active---practice---or---service---shall---renew---his---certificate---of  
 19 registration-on-or-before-November-1-of--odd-numbered--years.---The  
 20 Board--of-Barber-Examiners-shall-issue-the-renewal-certificate-upon  
 21 payment-of-a--biennial--renewal--fee--not--to--exceed--\$70.---Every  
 22 certificate--of--registration--which--has-not-been-renewed-prior-to  
 23 that-date-shall-expire-on-November-1-of-that-year.]

24 (b) A Class A registered barber or other licensee, whose  
 25 certificate of registration or license has expired, may, within 30  
 26 days thereafter, and not later, have his certificate of  
 27 registration or license restored by applying to the Board and



1 paying the biennial renewal fee set by the Board [~~upon--making--a~~  
2 ~~satisfactory--showing--to--the--Board,--supported--by--his--personal~~  
3 ~~affidavit,--which--in--the--opinion--of--the--Board,--will--excuse--the~~  
4 ~~applicant--for--having--failed--to--renew--his--certificate--within--the~~  
5 ~~time--required--by--this--Act~~].

6 (c) Any registered barber or licensee whose certificate of  
7 registration or license has been expired for not [~~who--retires--from~~  
8 ~~the--practice--of--barbering--for--not~~] more than five (5) years may  
9 reinstate the [~~renew--his~~] certificate of registration or license by  
10 making proper showing to the Board, supported by his personal  
11 affidavit, which, in the opinion of the Board, would justify the  
12 Board in issuing a certificate or license to such applicant as upon  
13 an original application upon payment of a fee equal to the current  
14 amount of the original certificate or license fee, plus a  
15 delinquency fee of \$30 for each year or part of a year that the  
16 certificate or license has been expired [~~not--to--exceed--\$70--if--the~~  
17 ~~applicant---applies--during--the--period--from--November--1--of--an~~  
18 ~~odd-numbered-year--and--extending--through--October--31--of--the--following~~  
19 ~~even-numbered-year--not--to--exceed--\$35--if--the--applicant--applies~~  
20 ~~during--the--period--from--November--1--of--an--even-numbered-year--and~~  
21 ~~extending--through--October--31--of--the--following--odd-numbered--year~~].

22 (d) Any registered barber or licensee who retires from [~~the~~]  
23 practice and whose certificate of registration or license has been  
24 expired [~~of--barbering~~] for more than five (5) years may qualify for  
25 a new [~~renew--his~~] certificate of registration or license by making  
26 application to the Board and by making proper showing to the Board,  
27 supported by his personal affidavit, and by paying an examination

1 fee not to exceed \$70, passing a satisfactory examination conducted  
 2 by the Board, and paying the [~~a--license~~] fee for an original  
 3 certificate of registration or license [~~not-to-exceed-\$50-if-the~~  
 4 ~~applicant-fulfills-the-requirements-during-the-period-from-November~~  
 5 ~~1-of-an-odd-numbered-year-and-extending-through-October-31--of--the~~  
 6 ~~following--even-numbered-year-or-not-to-exceed-\$25-if-the-applicant~~  
 7 ~~fulfills-the-requirements-during-the-period-from-November-1--of--an~~  
 8 ~~even-numbered---year--and--extending--through--October--31--of--the~~  
 9 ~~following-odd-numbered-year~~].

10 SECTION 19. Section 20a, Chapter 65, Acts of the 41st  
 11 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
 12 Texas Civil Statutes), is amended to read as follows:

13 Sec. 20a. Any registered barber, [~~registered---assistant~~  
 14 ~~barber---or~~] barber technician, teacher, manicurist, or wig  
 15 specialist shall not be required to renew his certificate of  
 16 registration while serving on active duty in the military, air or  
 17 naval forces of the United States, and the Board shall issue a  
 18 renewal certificate upon application and payment of a renewal fee  
 19 within ninety (90) days from the date such registered barber,  
 20 [~~registered--assistant--barber,--or~~] barber technician, teacher,  
 21 manicurist, or wig specialist is released or discharged from active  
 22 duty in the armed forces. The renewal fee shall be:

23 (1) Ten Dollars (\$10) if the application and payment  
 24 is made during the period from November 1 of an odd-numbered year  
 25 and extending through October 31 of the following even-numbered  
 26 year;

27 (2) Five Dollars (\$5) if the application and payment

1 is made during the period from November 1 of an even-numbered year  
2 and extending through October 31 of the following odd-numbered  
3 year.

4 SECTION 20. Section 21, Chapter 65, Acts of the 41st  
5 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
6 Texas Civil Statutes), is amended to read as follows:

7 Sec. 21. The board shall either refuse to issue or to renew,  
8 or shall suspend or revoke any certificate of registration or  
9 license for any one of, or a combination of the following causes:

10 (A) Gross malpractice;

11 (B) Continued practice by a person knowingly having an  
12 infectious or contagious disease;

13 (C) Advertising by means of knowingly making false or  
14 deceptive statements;

15 (D) Advertising, practicing, or attempting to practice  
16 under another's trade name or another's name;

17 (E) Habitual drunkenness or habitual addiction to the  
18 use of morphine, cocaine, or other habit-forming drugs;

19 (F) The commission of any of the offenses described in  
20 Section 24 of this Act;

21 (G) No certificate or license shall be issued or  
22 renewed, unless and until each applicant shall present a health  
23 certificate from a regular practicing [~~medica~~] doctor of medicine  
24 or doctor of osteopathic medicine showing that the applicant is  
25 free from any kind of infectious or contagious diseases,  
26 tuberculosis, communicable diseases, and free from the use of any  
27 kind of morphine, cocaine, or other habit-forming drug, or a

1 habitual drunkard and that said applicant shall make affidavit to  
2 said medical examiner that all of the said facts are true.

3 SECTION 21. Section 22(a), Chapter 65, Acts of the 41st  
4 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
5 Texas Civil Statutes), is amended to read as follows:

6 (a) If a barber inspector believes that any of the grounds  
7 specified in Section 21 exist, or that the holder of a certificate,  
8 license, or permit has failed to comply with any of the  
9 requirements of this Act, he shall notify the holder of the  
10 certificate, license, or permit of that fact and summons him to  
11 appear for hearing as provided in this section. The hearing shall  
12 be had not less than twenty (20) days after notification in writing  
13 to the holder of the certificate, license, or permit, specifying  
14 the violation or non-compliance alleged. For the purpose of  
15 hearing such cases concurrent jurisdiction is vested in the county  
16 court of the county where the holder of the certificate, license,  
17 or permit resides and in the county court of the county where the  
18 violation allegedly occurred. The court may administer oaths and  
19 may issue subpoenas for the attendance of witnesses and the  
20 production of relative books and papers. The holder of the  
21 certificate, license, or permit shall have the right to be  
22 represented by counsel. At the hearing, the board shall be  
23 represented by the attorney general, district attorney, or county  
24 attorney. At such a hearing the issue to be determined is whether  
25 any grounds exist under Section 21 for denial, refusal to renew,  
26 suspension, or revocation of the certificate, license, or permit.  
27 The judge who presides at the hearing shall report his finding to

the board, which may, if the finding warrants, deny, suspend, revoke, or refuse to renew the certificate, license, or permit.

SECTION 22. Subsections (b) and (c), Section 23, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) The fees to be paid to the Board by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering[~~7--to-practice-as-an-assistant barber7~~] or to practice as a barber technician shall be \$10.

(c) The fees to be paid to the Board by an applicant who has satisfactorily passed the examination and complied with the other provisions of this Act to receive a certificate of registration to practice barbering[~~7--to-practice-as-an--assistant--barber7~~] or to practice as a barber technician shall be set by the Board in an amount not to exceed \$70[~~-~~

[~~{1}--an-amount-not-to-exceed--\$70--if--the--applicant fulfills--the--requirements-during-the-period-from-November-1-of-an odd-numbered-year-and-extending-through-October-31-of-the-following even-numbered-year7-or~~

[~~{2}--an-amount-not-to-exceed--\$35--if--the--applicant fulfills--the--requirements-during-the-period-from-November-1-of-an even-numbered--year--and--extending--through--October--31--of---the following-odd-numbered-year~~].

SECTION 23. Section 24, Chapter 65, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's Texas Civil Statutes), is amended to read as follows:

1           Sec. 24. Each of the following offenses shall constitute a  
2 misdemeanor punishable upon conviction in a court of competent  
3 jurisdiction by a fine of not less than twenty-five dollars  
4 (\$25.00) nor more than two hundred dollars (\$200.00).

5           (A) The violation of any of the provisions of Sections  
6 1, 2, or 3~~[7--and-5]~~ of this Act;

7           (B) Permitting any person in one's employ,  
8 supervision, or control to practice as a barber or other licensee  
9 ~~[as--an--assistant--barber]~~ unless that person has a current  
10 certificate of registration or license issued by the board;

11           (C) Obtaining or attempting to obtain a certificate of  
12 registration or license by fraudulent representation;

13           (C-1) For anyone who owns, operates or manages a  
14 barber school or college to work a chair or to permit teachers,  
15 student teachers ~~[instructors]~~, ~~[licensed-barbers]~~ or anyone ~~[any~~  
16 ~~one]~~ other than an enrolled student to render barbering services to  
17 the public in their said establishment;

18           (D) The willful failure to display a certificate of  
19 registration or license as required by Section 19 of this Act.

20           SECTION 24. Section 27, Chapter 65, Acts of the 41st  
21 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
22 Texas Civil Statutes), is amended to read as follows:

23           Sec. 27. (a) The State Board of Barber Examiners shall  
24 elect one of its members as president, and shall select an  
25 executive director ~~[elect-a-secretary]~~ and such other employees, as  
26 may be necessary, to carry out the provisions of this Act ~~[and~~  
27 ~~House--Bill--No--1047--Chapter--65,---Acts---of---the---Forty-first~~

1 ~~Legislature,--First-Called-Session,--as-amended,~~] and provide for the  
2 compensation of the executive director [~~such-secretary~~] and other  
3 employees. Said Board shall maintain its office in the [~~State~~  
4 ~~Office--Building--in--the~~] City of Austin, Texas, and shall adopt  
5 rules and regulations for the transaction of the business herein  
6 provided for, including a common seal for the authentication of its  
7 orders, certificates and records. The executive director  
8 [~~secretary~~] shall keep a record of all proceedings of the Board and  
9 shall be the custodian of all such records and shall receive and  
10 receipt for all money collected by the Board. All money so  
11 received shall be immediately deposited with the State Treasurer,  
12 who shall credit same to a special fund to be known as "State Board  
13 of Barber Examiners Fund," which money shall be drawn from said  
14 special fund upon claims made therefor by the Board to the  
15 Comptroller; and if found correct, to be approved by him and  
16 vouchers issued therefor, and countersigned and paid by the State  
17 Treasurer, which special fund is [~~hereby-appropriated~~] for the  
18 purpose of carrying out all the provisions of this Act. Annually  
19 at the close of business on August 31st of each year, a complete  
20 report of the business transaction by the Board showing all  
21 receipts and disbursements shall be made by the Board to the  
22 Governor of the State of Texas. The State Auditor shall audit the  
23 financial transactions of the Board at least once every two fiscal  
24 years.

25 (b) The executive director [~~secretary~~] shall give a surety  
26 bond, payable to the State of Texas in the sum of Five Thousand  
27 Dollars (\$5,000), conditioned for the faithful performances of the

1 [his] duties as executive director [~~secretary~~], to be approved by  
2 the Board and filed with the State Comptroller. A majority of the  
3 Board in meetings duly assembled may perform and exercise all the  
4 duties and powers devolving upon the Board.

5 (c) The compensation of the members of the Board shall be a  
6 per diem as set by the General Appropriations Act, and in addition  
7 to the per diem provided for herein, they shall be entitled to  
8 traveling expenses in accordance with the appropriate provisions of  
9 the General Appropriations Act. Each Board member shall make out,  
10 under oath, a complete itemized statement of the number of days  
11 engaged and the amount of his expenses when presenting same for  
12 payment.

13 SECTION 25. Section 27a(a), Chapter 65, Acts of the 41st  
14 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
15 Texas Civil Statutes), is amended to read as follows:

16 (a) No barber inspector or other employee of the State Board  
17 of Barber Examiners may sell barber supplies or engage in any other  
18 business which deals directly with barbers, barber shops, specialty  
19 shops, or barber schools except that he may engage in the practice  
20 of barbering.

21 SECTION 26. Section 28(a), Chapter 65, Acts of the 41st  
22 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
23 Texas Civil Statutes), is amended to read as follows:

24 (a) The Texas [~~State~~] Board of Health shall make, establish  
25 and promulgate reasonable sanitary rules and regulations for the  
26 conduct of barber shops, specialty shops, and barber schools. The  
27 State Board of Barber Examiners, by and through the Texas



1 Department of Health [~~Health--Department-of-the-State-of-Texas~~],  
2 shall have authority, and it is made its duty to enter upon the  
3 premises of all barber shops, specialty shops, barber schools or  
4 any place where any of its certificate holders or licensees are  
5 practicing or performing any service, act or treatment by authority  
6 of any certificate or license issued by the board and inspect same  
7 at any time during business hours. A copy of such sanitary rules  
8 and regulations adopted by the Texas Board of Health shall be  
9 furnished to the executive director [~~Secretary~~] of the State Board  
10 of Barber Examiners who shall in turn forward to each barber,  
11 barber school or licensee of the board a copy of such rules and  
12 regulations. A copy of the sanitary rules and regulations  
13 promulgated and adopted by the Texas [~~State~~] Board of Health shall  
14 be posted in barber shops, specialty shops, and barber schools in  
15 this State. Subject only to the authority of the Texas [~~State~~]  
16 Board of Health to make and promulgate reasonable rules and  
17 regulations as to sanitation, the State Board of Barber Examiners  
18 shall have full authority and power to make and enforce all rules  
19 and regulations necessary for the performance of its duties, to  
20 establish standards of conduct and ethics for all persons licensed  
21 or practicing under the provisions of this Act, and to regulate the  
22 practice and teaching of barbering in all of its particulars in  
23 keeping with the purposes and intent of this Act or to insure  
24 strict compliance with and enforcement of this Act.

25 SECTION 27. Section 29, Chapter 65, Acts of the 41st  
26 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
27 Texas Civil Statutes), is amended to read as follows:

1           Sec. 29. The Board shall keep a record of its proceedings  
2 relating to the issuance, refusal, renewal, suspension, and  
3 revocation of certificates of registration, licenses, or permits.  
4 This record shall also contain the name, place of business, and  
5 residence of each registered barber, licensee, or permittee [~~and~~  
6 ~~registered--assistant--barber~~], and the date and number of his  
7 certificate of registration, license, or permit. This record shall  
8 be open to public inspection at all reasonable times.

9           SECTION 28. Section 29A, Chapter 65, Acts of the 41st  
10 Legislature, 1st Called Session, 1929 (Article 8407a, Vernon's  
11 Texas Civil Statutes), is amended to read as follows:

12           Sec. 29A. (a) The State Board of Barber Examiners shall  
13 keep an information file about each complaint filed with the board  
14 relating to licensees, permittees, or certificate holders under  
15 this Act.

16           (b) If a written complaint is filed with the State Board of  
17 Barber Examiners relating to a licensee, permittee, or certificate  
18 holder under this Act, the board, at least as frequently as  
19 quarterly, shall notify the complainant of the status of the  
20 complaint until the complaint is finally resolved.

21           SECTION 29. Chapter 65, Acts of the 41st Legislature, 1st  
22 Called Session, 1929 (Article 8407a, Vernon's Texas Civil  
23 Statutes), is amended by adding Section 29E to read as follows:

24           Sec. 29E. A barber shop, specialty shop, or barber school  
25 permit that has been expired for more than 30 days may be renewed  
26 by filing a renewal application with the board, accompanied by the  
27 regular renewal fee, and a delinquency fee of \$30 for each year or

1 part of a year that the permit has been expired.

2 SECTION 30. (a) This Act takes effect September 1, 1989.

3 (b) This Act applies only to a license, certificate, or  
4 permit issued or renewed by the State Board of Barber Examiners on  
5 or after September 1, 1989. A license, certificate, or permit  
6 issued or renewed before that date is covered by the law in effect  
7 on the date that the license, certificate, or permit was issued or  
8 renewed, and the prior law is continued in effect for this purpose.

9 (c) A person who on the effective date of this Act holds a  
10 cosmetology license or manicurist license issued by the Texas  
11 Cosmetology Commission is entitled to a manicurist license issued  
12 by the State Board of Barber Examiners on application to that  
13 board.

14 SECTION 31. The importance of this legislation and the  
15 crowded condition of the calendars in both houses create an  
16 emergency and an imperative public necessity that the  
17 constitutional rule requiring bills to be read on three several  
18 days in each house be suspended, and this rule is hereby suspended.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 460 was passed by the House on April 11, 1989, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 460 was passed by the Senate on May 26, 1989, by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 460<sup>(1)</sup> was passed by the House  
on April 11<sup>(2)</sup>, 1989, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 460<sup>(1)</sup> was passed by the Senate  
on May 26<sup>(3)</sup>, 1989, by a viva-voce vote.

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Secretary of the Senate

APPROVED:

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Date

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Governor

\*\*\*\* Preparation: 'A;CT26;

H.B. No.

460

By

*Rob. Ellis*

## A BILL TO BE ENTITLED

## AN ACT

relating to the practice of barbering and to the regulation of certain persons by the State Board of Barber Examiners.

JAN 17 1989

1. Filed with the Chief Clerk.

FEB 8 1989

2. Read first time and Referred to Committee on

*Public Health*

MAR 13 1989

3. Reported favorably (as amended) and sent to Printer at*6:15 pm*

MAR 14 1989

MAR 15 1989

4. Printed and distributed at

*9:25 am*

MAR 15 1989

5. Sent to Committee on Calendars at

*5:35 pm*

APR 10 1989

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ days, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ days, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ years, \_\_\_\_\_ days, and \_\_\_\_\_ present, not voting.

APR 11 1989

9. Read third time (amended) finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ days, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ days, and \_\_\_\_\_ present, not voting).

APR 11 1989

12. Ordered Engrossed at *10:47 am*

APR 11 1989

13. Engrossed.

APR 11 1989

14. Returned to Chief Clerk at *7:46 pm*

APR 12 1989

15. Sent to Senate.

*Betty Murray*  
Chief Clerk of the House

APR 12 1989

16. Received from the House

APR 13 1989

17. Read, referred to Committee on ECONOMIC DEVELOPMENT

MAY 10 1989

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

MAY 26 1989

21. Regular order of business suspended by *u.c.*

(a viva voce vote.)

\_\_\_\_\_ years, \_\_\_\_\_ days.)

89 APR 11 PM 7:46  
HOUSE OF REPRESENTATIVES

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 26 1989

23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 26 1989

25. Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas,  
1 nays to place bill on third reading and final passage.

MAY 26 1989

26. Read third time and passed by  
(a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

Betty King  
Secretary of the Senate

5-26-89

27. Returned to the House.

MAY 26 1989

28. Received from the Senate (with amendments,  
(as substituted.)

29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 26 1989

32. Ordered Enrolled at 4:15 pm

HOUSE OF REPRESENTATIVES

89 APR 10 PM 10:29

HOUSE OF REPRESENTATIVES

89 MAR 15 AM 9:25

0912